

House Bill 310 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Powell of the 32nd, Coomer of the 14th, Nimmer of the 178th, Rogers of the 10th, Dickey of the 140th, and others

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 Board of Community Supervision, the Department of Community
 3 Supervision, and the Governor's Office of Transition, Support, and Reentry; to provide for
 4 the responsibilities of DCS with respect to supervision of adult and certain juvenile
 5 probationers and adult parolees; to enact reforms recommended by the Georgia Council on
 6 Criminal Justice Reform; to reassign responsibilities of the Advisory Council for Probation
 7 and the County and Municipal Probation Advisory Council to the Board of Community
 8 Supervision and repeal provisions relating to such councils; to transfer responsibility of
 9 certain functions of probation and parole supervision to DCS and make corresponding
 10 changes with respect to the jurisdiction and authority of the Department of Corrections,
 11 Department of Juvenile Justice, and the State Board of Pardons and Paroles; to provide for
 12 the selection, service, and powers and duties of the commissioner and employees of DCS;
 13 to provide for rules and regulations and forms; to provide for administration; to provide for
 14 transfer of prior appropriations; to provide for transfer of personnel, equipment, and
 15 facilities; to provide for defined terms; to provide for the revocation, modification, and
 16 tolling of sentences under certain circumstances; to provide for the conditions of probation;
 17 to provide for the assessment and collection of costs of probation; to revise certain standards
 18 for private corporations, private enterprises, and private agencies that enter into written
 19 contracts for probation services; to change provisions relating to confidentiality of records;
 20 to revise certain standards for counties, municipalities, or consolidated governments who
 21 enter into written agreements to provide probation services; to provide for management of
 22 probated sentences when a defendant wants to enter an accountability court as a condition
 23 of a probation revocation; to change provisions relating to informing a defendant regarding
 24 the first offender laws; to provide for retroactive first offender treatment under certain
 25 circumstances; to provide for the filing of a petition for retroactive first offender treatment;
 26 to amend Titles 15, 16, 17, 19, 20, 21, 34, 35, 37, 40, 42, 43, 45, 48, and 49 of the Official
 27 Code of Georgia Annotated, relating to courts, crimes and offenses, criminal procedure,
 28 domestic relations, education, elections, labor and industrial relations, law enforcement

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29 officers and agencies, mental health, motor vehicles and traffic, penal institutions,
 30 professions and businesses, public officers and employees, revenue and taxation, and social
 31 services, respectively, so as to so as to conform provisions to the new Chapter 3 of Title 42;
 32 to provide for certain changes in the administrative organization of the Department of
 33 Corrections, Department of Juvenile Justice, and the State Board of Pardons and Paroles and
 34 provide for conforming amendments; to correct cross-references and remove obsolete or
 35 improper references; to provide for legislative findings and intent; to provide for related
 36 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
 37 other purposes.

38 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

39 **PART I**
 40 **BOARD OF COMMUNITY SUPERVISION,**
 41 **DEPARTMENT OF COMMUNITY SUPERVISION, AND**
 42 **GOVERNOR'S OFFICE OF TRANSITION, SUPPORT, AND REENTRY**
 43 **SECTION 1-1.**

44 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 45 by revising Chapter 3, which was previously reserved, as follows:

46 "CHAPTER 3
 47 ARTICLE 1

48 42-3-1.

49 ~~Reserved.~~

50 As used in this chapter, the term:

51 (1) 'Board' means the Board of Community Supervision.

52 (2) 'Commissioner' means the commissioner of community supervision.

53 (3) 'Community supervision officer' means an individual employed by DCS who
 54 supervises probationers or parolees.

55 (4) 'DCS' means the Department of Community Supervision.

56 (5) 'Split sentence' means any felony sentence that includes a term of imprisonment
 57 followed by a term of probation.

58 42-3-2.

59 (a) There is created the Board of Community Supervision which shall establish the general
60 policy to be followed by the Department of Community Supervision and the Governor's
61 Office of Transition, Support, and Reentry. The powers, functions, and duties of the Board
62 of Corrections as they exist on June 30, 2015, with regard to the probation division of the
63 Department of Corrections and supervision of probationers unless otherwise provided in
64 this chapter are transferred to the Board of Community Supervision effective July 1, 2015.
65 The powers, functions, and duties of the State Board of Pardons and Paroles as they exist
66 on June 30, 2015, with regard to the supervision of parolees, unless otherwise provided in
67 this chapter are transferred to the Board of Community Supervision effective July 1, 2015.
68 The powers, functions, and duties of the Board of Juvenile Justice and the Department of
69 Juvenile Justice as they exist on June 30, 2016, with regard to the probation supervision of
70 children who have been released from restrictive custody and who were adjudicated for a
71 Class A designated felony act or Class B designated felony act, as such terms are defined
72 in Code Section 15-11-2, are transferred to the Board of Community Supervision effective
73 July 1, 2016. The powers, functions, and duties of the County and Municipal Probation
74 Advisory Council as they exist on June 30, 2015, are transferred to the Board of
75 Community Supervision effective July 1, 2015.

76 (b) The board shall consist of nine members. The commissioner of corrections,
77 commissioner of juvenile justice, chairperson and vice chairperson of the State Board of
78 Pardons and Paroles, director of the Division of Family and Children Services of the
79 Department of Human Services, and commissioner of behavioral health and developmental
80 disabilities shall be members of the board and shall serve on the board so long as they
81 remain in their appointed positions. The Governor shall appoint:

82 (1) A sheriff who shall serve an initial term ending June 30, 2019, each subsequent term
83 being four years;

84 (2) A mayor or city manager who shall serve an initial term ending June 30, 2018, each
85 subsequent term being four years; and

86 (3) A county commissioner or county manager who shall serve an initial term ending
87 June 30, 2017, each subsequent term being four years.

88 (c) Vacancies in office shall be filled by appointment by the Governor in the same manner
89 as the appointment to the position on the board which becomes vacant. An appointment
90 to fill a vacancy, other than by expiration of a term of office, shall be for the balance of the
91 unexpired term.

92 (d) Members of the board may be removed from office under the same conditions for
93 removal from office of members of professional licensing boards provided in Code Section
94 43-1-17.

- 95 (e) There shall be a chairperson of the board, elected by and from the membership of the
96 board, who shall be the presiding officer of the board.
- 97 (f) The members of the board shall receive per diem and expenses as shall be set and
98 approved by the Office of Planning and Budget and in conformance with rates and
99 allowances set for members of other state boards.
- 100 (g)(1) As used in this subsection, the term:
- 101 (A) 'Evidence based practices' means supervision policies, procedures, programs, and
102 practices that scientific research demonstrates reduce recidivism among individuals
103 who are under some form of correctional supervision.
- 104 (B) 'Recidivism' means returning to prison or jail within three years of being placed on
105 probation or being discharged or released from a Department of Corrections or jail
106 facility.
- 107 (2) The board shall adopt rules and regulations governing the management and treatment
108 of probationers and parolees to ensure that evidence based practices, including the use of
109 a risk and needs assessment and any other method the board deems appropriate, guide
110 decisions related to managing probationers and parolees in the community. The board
111 shall require DCS to collect and analyze data and performance outcomes relevant to the
112 level and type of treatment given to a probationer or parolee and the outcome of the
113 treatment on his or her recidivism and prepare an annual report regarding such
114 information which shall be submitted to the Governor, the Lieutenant Governor, the
115 Speaker of the House of Representatives, and the chairpersons of the House Committee
116 on State Properties and the Senate State Institutions and Property Committee.
- 117 (h) The board shall adopt rules and regulations and such rules and regulations shall be
118 adopted, established, promulgated, amended, repealed, filed, and published in accordance
119 with the applicable provisions and procedure as set forth in Chapter 13 of Title 50, the
120 'Georgia Administrative Procedure Act.' The courts shall take judicial notice of any such
121 rules or regulations.
- 122 (i) As used in this Code section, the term 'rules and regulations' shall have the same
123 meaning as the word 'rule' as defined in paragraph (6) of Code Section 50-13-2.
- 124 (j) The board shall perform duties required of it by law and shall, in addition thereto, be
125 responsible for promulgation of all rules and regulations not in conflict with this chapter
126 that may be necessary and appropriate to the administration of DCS and the Governor's
127 Office of Transition, Support, and Reentry, to the accomplishment of the purposes of this
128 chapter and Chapters 8 and 9 of this title, and to the performance of the duties and
129 functions of DCS and the Governor's Office of Transition, Support, and Reentry as set forth
130 in this chapter and Chapters 8 and 9 of this title.

131 42-3-3.

132 (a) There is created the Department of Community Supervision. DCS shall be the agency
133 primarily responsible for:

134 (1) Supervision of all defendants who receive a felony sentence of straight probation;

135 (2) Supervision of all defendants who receive a split sentence;

136 (3) Supervision of all defendants placed on parole or other conditional release from
137 imprisonment by the State Board of Pardons and Paroles;

138 (4) Supervision of juvenile offenders when such offender had been placed in restrictive
139 custody due to an adjudication for a Class A designated felony act or Class B designated
140 felony act, as such terms are defined in Code Section 15-11-2, and is released from such
141 custody;

142 (5) Administration of laws, rules, and regulations relating to probation and parole
143 supervision, as provided for by law;

144 (6) Enforcement of laws, rules, and regulations relating to probation and parole
145 supervision, as provided for by law; and

146 (7) Administration of laws as provided in this chapter.

147 (b) DCS shall ensure that community supervision officers who supervise juvenile
148 offenders receive the same training to work specifically with children and adolescents as
149 is provided for Department of Juvenile Justice probation officers. DCS shall offer the same
150 array of services to juvenile offenders as are available to offenders who are committed to
151 the Department of Juvenile Justice who are not placed in restrictive custody. With respect
152 to the supervision of children, DCS shall be mindful of the purpose of Chapter 11 of
153 Title 15 as set forth in Code Section 15-11-1.

154 42-3-4.

155 (a) There shall be a commissioner of community supervision who shall be both appointed
156 by and serve at the pleasure of the Governor. Subject to the policies, rules, and regulations
157 established by the board, the commissioner shall supervise, direct, account for, organize,
158 plan, administer, and execute the functions of DCS.

159 (b) The commissioner shall receive an annual salary to be set by the Governor which shall
160 be his or her total compensation for services as commissioner. The commissioner shall be
161 reimbursed for all actual and necessary expenses incurred by him or her in carrying out his
162 or her official duties.

163 (c) The position of commissioner shall be a separate and distinct position from any other
164 position in state government. The duties of the commissioner shall be performed by the
165 commissioner and not by any other officer of state government, and the commissioner shall
166 not perform the duties of any other officer of state government.

167 42-3-5.

168 (a) The commissioner, with the approval of the board, may establish units within DCS as
169 he or she deems proper for its administration and shall designate persons to be assistant
170 commissioners of each unit and to exercise authority as he or she may delegate to them in
171 writing. The commissioner shall establish a victim services unit within DCS to coordinate:

172 (1) Payment of court ordered restitution; and

173 (2) Victim services, including, but not limited to, payments available to victims as
174 provided by law and assisting victims with support services.

175 (b) The commissioner shall have the authority to employ as many individuals as he or she
176 deems necessary for the administration of DCS and for the discharge of the duties of his
177 or her office. The commissioner shall issue all necessary directions, instructions, orders,
178 and rules applicable to employees of DCS. The commissioner shall have authority, as the
179 commissioner deems proper, to employ, assign, compensate, and discharge employees of
180 DCS within the limitations of DCS's appropriation and the restrictions set forth by law.

181 (c) No employee of DCS shall be compensated for services to DCS on a commission or
182 contingent fee basis.

183 (d) Neither the commissioner nor any community supervision officer or employee of DCS
184 shall be given or receive any fee, compensation, loan, gift, or other thing of value in
185 addition to the compensation and expense allowance provided by law for any service or
186 pretended service either rendered or to be rendered as commissioner or as a community
187 supervision officer or employee of DCS.

188 42-3-6.

189 (a) The commissioner, with the approval of the board, shall have the power to make and
190 publish reasonable rules and regulations not inconsistent with this title or other laws or with
191 the Constitution of this state or of the United States for the administration of this chapter
192 or any law which it is his or her duty to administer.

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

196 (c) The commissioner may confer all powers of a police officer of this state, including, but
197 not limited to, the power to make summary arrests for violations of any of the criminal laws
198 of this state and the power to carry weapons, upon persons in the commissioner's
199 employment as the commissioner deems necessary, provided that individuals so designated
200 meet the requirements specified in all applicable laws.

201 (d) The commissioner or his or her designee may authorize certain persons in the
202 commissioner's employment to assist law enforcement officers or correctional officers of

203 local governments in preserving order and peace when so requested by such local
204 authorities.

205 (e) The following rules and regulations shall remain in full force and effect as rules and
206 regulations of DCS until amended, repealed, or superseded by rules or regulations adopted
207 by the board:

208 (1) All rules and regulations previously adopted by the Advisory Council for Probation
209 which relate to functions transferred under this chapter from the state-wide probation
210 system to DCS;

211 (2) All rules and regulations previously adopted by the Department of Corrections or the
212 Board of Corrections which relate to functions transferred under this chapter from the
213 Department of Corrections to DCS;

214 (3) All rules and regulations previously adopted by the State Board of Pardons and
215 Paroles which relate to functions transferred under this chapter from the State Board of
216 Pardons and Paroles to DCS;

217 (4) All rules and regulations previously adopted by the Department of Juvenile Justice
218 or the Board of Juvenile Justice which relate to functions transferred under this chapter
219 from the Department of Juvenile Justice to DCS; and

220 (5) All rules and regulations previously adopted by the County and Municipal Probation
221 Advisory Council which relate to functions transferred under this chapter from the
222 County and Municipal Probation Advisory Council to DCS.

223 42-3-7.

224 (a) Appropriations to the Department of Corrections, the Department of Juvenile Justice,
225 the County and Municipal Probation Advisory Council, and the State Board of Pardons and
226 Paroles for functions transferred to DCS pursuant to this chapter shall be transferred to
227 DCS as provided for in Code Section 45-12-90. Personnel, equipment, and facilities
228 previously employed by the Department of Corrections, the Department of Juvenile Justice,
229 the County and Municipal Probation Advisory Council, and the State Board of Pardons and
230 Paroles for functions transferred to DCS pursuant to this chapter shall likewise be
231 transferred to DCS. Any disagreement as to any of such transfers shall be resolved by the
232 Governor. Any individual who is employed by the Department of Corrections as a
233 probation officer or probation supervisor or by the Board of Pardons and Paroles as a
234 parole officer on or before July 1, 2016, and who is required by the terms of his or her
235 employment to comply with the requirements of Chapter 8 of Title 35, the 'Georgia Peace
236 Officer Standards and Training Act,' may remain in the employment of the employing
237 agency but shall be transferred for administrative purposes only to DCS on July 1, 2015.

238 (b) The enactment of this chapter and the Act by which it is enacted shall not affect or
239 abate the status of probation, parole, a probation revocation, or a parole revocation which
240 occurred prior to July 1, 2015.

241 42-3-8.

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

243 (1) 'Employee' means a full-time or part-time employee of DCS or an employee serving
244 under contract with DCS.

245 (2) 'Employee benefit fund' means an account containing the facility's profits generated
246 from vending services maintained by a local facility.

247 (3) 'Executive director of the facility' means the chief community supervision officer or
248 such other head of a facility.

249 (4) 'Facility' means a community supervision office or such other similar property under
250 the jurisdiction or operation of DCS.

251 (5) 'Vending services' means one or more vending machines in a location easily
252 accessible by employees, which services may also be accessible by members of the
253 general public, but which vending machines do not require a manager or attendant for the
254 purpose of purchasing food or drink items. Vending services shall be for the provision
255 of snack or food items or nonalcoholic beverages and shall not include any tobacco
256 products or alcoholic beverages.

257 (b) It is the intent of the General Assembly to provide an employee benefit as set forth in
258 this Code section, which benefit shall be of de minimis cost to the state and which shall in
259 turn benefit the state through the retention of dedicated and experienced employees.

260 (c) Any other provision of the law notwithstanding, a facility is authorized to purchase
261 vending machines or enter into vending service agreements by contract, sublease, or license
262 for the purpose of providing vending services to each facility under the jurisdiction of the
263 Department of Corrections. Vending services shall be provided in any facility where the
264 operation of such vending services is capable of generating a profit for that facility. The
265 facility's profits generated from the vending services shall be maintained by the local
266 facility under the authority of the executive director of the facility in an interest-bearing
267 account, and the account shall be designated the employee benefit fund.

268 (d) The employee benefit fund shall be administered by a committee of five
269 representatives of the facility to be selected by the chief community supervision officer for
270 such facility. Funds from the account may be spent as determined by a majority vote of the
271 committee. Funds may be expended on an individual employee of the facility for the
272 purpose of recognizing a death, birth, marriage, or prolonged illness or to provide
273 assistance in the event of a natural disaster or devastation adversely affecting an employee

274 or an employee's immediate family member. Funds may also be expended on an item or
275 activity which shall benefit all employees of the facility equally for the purposes of
276 developing camaraderie or otherwise fostering loyalty to DCS or bringing together the
277 employees of the facility for a meeting, training session, or similar gathering. Funds spent
278 for an individual employee shall not exceed \$250.00 per person per event, and funds
279 expended for employee gatherings or items shall not exceed \$1,000.00 per event or single
280 item; provided, however, that events conducted for the benefit of employees of an entire
281 institution shall not exceed \$4,500.00 per event.

282 (e) The employee benefit fund account of each facility shall be reviewed and audited by
283 the administrative office of the local facility and by DCS in accordance with standards and
284 procedures established by DCS. No account shall maintain funds in excess of \$5,000.00.
285 Any funds collected which cause the fund balance to exceed \$5,000.00 shall be remitted
286 to DCS's general operating budget.

287 (f) Nothing in this Code section shall prohibit a facility from purchasing vending machines
288 or providing or maintaining vending services which do not generate a profit, provided that
289 such services are of no cost to DCS, nor shall this Code section be construed so as to
290 prohibit a private provider of vending services from making or retaining a profit pursuant
291 to any agreement for such services.

292 42-3-9.

293 (a) An employee leaving the service of DCS under honorable conditions who has
294 accumulated 20 or more years of service with DCS as a community supervision officer, or
295 20 or more years of combined service as a parole officer with the State Board of Pardons
296 and Paroles, a probation officer or supervisor with the Department of Corrections, and
297 community supervision officer, shall be entitled as part of such employee's compensation
298 to retain his or her DCS issued weapon and badge.

299 (b) As used in this subsection, the term 'disability' means a disability that prevents an
300 individual from working as a community supervision officer. When a community
301 supervision officer leaves DCS as a result of a disability arising in the line of duty, such
302 officer shall be entitled as part of such officer's compensation to retain his or her weapon
303 and badge in accordance with regulations promulgated by the commissioner.

304 (c) A community supervision officer who is killed in the line of duty shall be entitled to
305 have his or her DCS issued badge given to a surviving family member.

306 (d) The board is authorized to promulgate rules and regulations for the implementation of
307 this Code section.

308

ARTICLE 2309 42-3-30.

310 The General Assembly finds that there is a need for a coordinated strategy for transition,
311 support, and reentry of offenders in this state. The General Assembly, therefore, declares
312 it to be the public policy of this state to provide the necessary leadership to coordinate
313 successful offender reentry in this state, reduce recidivism, enhance public safety through
314 collaboration among stakeholders, and assist in ensuring the appropriate and responsible
315 use of cost savings realized by justice reforms through reinvestment in evidence based,
316 community centered services.

317 42-3-31.

318 There is created the Governor's Office of Transition, Support, and Reentry, which is
319 assigned to DCS for administrative purposes only, as prescribed in Code Section 50-4-3.

320 42-3-32.

321 The board is authorized to do all things and take any action necessary to accomplish the
322 legislative intent of the creation of the Governor's Office of Transition, Support, and
323 Reentry, including, but not limited to, the promulgation of rules and regulations relative
324 thereto. The board is authorized to solicit and accept gifts, grants, donations, property, both
325 real and personal, and services for the purpose of carrying out this article.

326 42-3-33.

327 (a) The powers, functions, and duties of the Board of Corrections as they exist on June 30,
328 2015, with regard to reentry services for the Department of Corrections are transferred to
329 the Governor's Office of Transition, Support, and Reentry effective July 1, 2015. The
330 powers, functions, and duties of the State Board of Pardons and Paroles as they exist on
331 June 30, 2015, with regard to reentry services are transferred to the Governor's Office of
332 Transition, Support, and Reentry effective July 1, 2015. The powers, functions, and duties
333 of the Board of Juvenile Justice and the Department of Juvenile Justice as they exist on
334 June 30, 2016, with regard to reentry services for children who have been placed in
335 restrictive custody and who were adjudicated for a Class A designated felony act or Class
336 B designated felony act, as such terms are defined in Code Section 15-11-2, are transferred
337 to the Governor's Office of Transition, Support, and Reentry effective July 1, 2016.

338 (b) Appropriations to the Department of Corrections, the State Board of Pardons and
339 Paroles, and the Department of Juvenile Justice for functions transferred to DCS pursuant
340 to this article shall be transferred to the Governor's Office of Transition, Support, and

341 Reentry as provided for in Code Section 45-12-90. Personnel, equipment, and facilities
 342 previously employed by the Department of Corrections, the State Board of Pardons and
 343 Paroles, and the Department of Juvenile Justice for functions transferred to the Governor's
 344 Office of Transition, Support, and Reentry pursuant to this article shall likewise be
 345 transferred to Governor's Office of Transition, Support, and Reentry. Any disagreement
 346 as to any of such transfers shall be resolved by the Governor.

347 42-3-34.

348 There shall be a director of the Governor's Office of Transition, Support, and Reentry who
 349 shall be both appointed by and serve at the pleasure of the Governor. Subject to the
 350 policies, rules, and regulations established by the board for such office, the director shall
 351 supervise, direct, account for, organize, plan, administer, and execute the functions of such
 352 office. The director shall receive an annual salary to be set by the Governor which shall
 353 be his or her total compensation for services as director. The director shall be reimbursed
 354 for all actual and necessary expenses incurred by him or her in carrying out his or her
 355 official duties. The position of director shall be a separate and distinct position from any
 356 other position in state government. The duties of the director shall be performed by the
 357 director and not by any other officer of state government, and the director shall not perform
 358 the duties of any other officer of state government.

359 42-3-35.

360 (a) The director may establish units within the Governor's Office of Transition, Support,
 361 and Reentry as he or she deems proper for its administration and shall designate persons
 362 to be assistant directors of each unit and to exercise authority as he or she may delegate to
 363 them in writing as approved by the board.

364 (b) No person shall be compensated for services to the Governor's Office of Transition,
 365 Support, and Reentry on a commission or contingent fee basis.

366 (c) Neither the director nor any employee of the Governor's Office of Transition, Support,
 367 and Reentry shall be given or receive any fee, compensation, loan, gift, or other thing of
 368 value in addition to the compensation and expense allowance provided by law for any
 369 service or pretended service either rendered or to be rendered as director or employee of
 370 the Governor's Office of Transition, Support, and Reentry.

371 ARTICLE 3

372 42-3-50.

373 (a) As used in this article, the term:

374 (1) 'Agency' means any private or public agency or organization approved by the court
 375 to participate in a community service program.

376 (2) 'Community service' means uncompensated work by an offender with an agency for
 377 the benefit of the community pursuant to an order by a court as a condition of probation.

378 Such term includes uncompensated service by an offender who lives in the household of
 379 a disabled person and provides aid and services to such disabled person, including, but
 380 not limited to, cooking, housecleaning, shopping, driving, bathing, and dressing.

381 (3) 'Community service officer' means an individual appointed by the court to place and
 382 supervise offenders sentenced to community service. Such term may mean a paid
 383 professional or a volunteer.

384 (b) Except as provided in subsection (c) of this Code section, it shall be unlawful for an
 385 agency or community service officer to use or allow an offender to be used for any purpose
 386 resulting in private gain to any individual.

387 (c) Subsection (b) of this Code section shall not apply to:

388 (1) Services provided by an offender to a disabled person in accordance with paragraph
 389 (1) of subsection (c) of Code Section 42-3-52;

390 (2) Work on private property because of a natural disaster; or

391 (3) An order or direction by the sentencing court.

392 (d) Any person who violates subsection (b) of this Code section shall be guilty of a
 393 misdemeanor.

394 42-3-51.

395 (a) Agencies desiring to participate in a community service program shall file with the
 396 court a letter of application showing:

397 (1) Eligibility;

398 (2) Number of offenders who may be placed with the agency;

399 (3) Work to be performed by the offender; and

400 (4) Provisions for supervising the offender.

401 (b) An agency selected for the community service program shall work offenders who are
 402 assigned to the agency by the court. If an offender violates a court order, the agency shall
 403 report such violation to the community service officer.

404 (c) If an agency violates any court order or provision of this article, the offender shall be
 405 removed from the agency and the agency shall no longer be eligible to participate in the
 406 community service program.

407 (d) No agency or community service officer shall be liable at law as a result of any of such
 408 agency's or community service officer's acts performed while participating in a community
 409 service program. This limitation of liability shall not apply to actions on the part of any

410 agency or community service officer which constitute gross negligence, recklessness, or
 411 willful misconduct.

412 42-3-52.

413 (a) Community service may be considered as a condition of probation with primary
 414 consideration given to the following categories of offenders:

415 (1) Traffic violations;

416 (2) Ordinance violations;

417 (3) Noninjurious or nondestructive, nonviolent misdemeanors;

418 (4) Noninjurious or nondestructive, nonviolent felonies; and

419 (5) Other offenders considered upon the discretion of the court.

420 (b) The court may confer with the prosecuting attorney, the offender or his or her attorney
 421 if the offender is represented by an attorney, a community supervision officer, a community
 422 service officer, or other interested persons to determine if the community service program
 423 is appropriate for an offender. If community service is ordered as a condition of probation,
 424 the court shall order:

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

427 (2) Not less than 20 hours nor more than 500 hours in felony cases, such service to be
 428 completed within three years.

429 (c)(1) Any agency may recommend to the court that certain disabled persons are in need
 430 of a live-in attendant. The court shall confer with the prosecuting attorney, the offender
 431 or his or her attorney if the offender is represented by an attorney, a community
 432 supervision officer, a community service officer, or other interested persons to determine
 433 if a community service program involving a disabled person is appropriate for an
 434 offender. If community service as a live-in attendant for a disabled person is deemed
 435 appropriate and if both the offender and the disabled person consent to such service, the
 436 court may order such live-in community service as a condition of probation but for no
 437 longer than two years.

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

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

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

447 (d) The court may order an offender to perform community service hours in a 40 hour per
448 week work detail in lieu of incarceration.

449 (e) Community service hours may be added to original court ordered hours as a
450 disciplinary action by the court, as an additional requirement of any program in lieu of
451 incarceration, or as part of the sentencing options system as set forth in Article 6 of this
452 chapter.

453 42-3-53.

454 The community service officer shall place an offender sentenced to community service as
455 a condition of probation with an appropriate agency. The agency and work schedule shall
456 be approved by the court. If the offender is employed at the time of sentencing or if the
457 offender becomes employed after sentencing, the community service officer shall consider
458 the offender's work schedule and, to the extent practicable, shall schedule the community
459 service so that it will not conflict with the offender's work schedule. This shall not be
460 construed as requiring the community service officer to alter scheduled community service
461 based on changes in an offender's work schedule. The community service officer shall
462 supervise the offender for the duration of the community service sentence. Upon
463 completion of the community service sentence, the community service officer shall prepare
464 a written report evaluating the offender's performance which shall be used to determine if
465 the conditions of probation have been satisfied.

466 42-3-54.

467 (a) The provisions of Article 2 of Chapter 8 of this title shall be applicable to offenders
468 sentenced to community service as a condition of probation pursuant to this article. The
469 provisions of Article 3 of Chapter 8 of this title shall be applicable to first offenders
470 sentenced pursuant to this article. The provisions of Article 6 of Chapter 8 of this title shall
471 be applicable to misdemeanor or ordinance violator offenders sentenced to community
472 service as a condition of probation pursuant to this article.

473 (b) Any offender who provides live-in community service but who is later incarcerated for
474 breaking the conditions of probation or for any other cause may be awarded good time for
475 each day of live-in community service the same as if such offender were in prison for such
476 number of days.

477

ARTICLE 4478 42-3-70.

479 DCS shall be authorized to establish and operate pretrial release and diversion programs
480 as rehabilitative measures for persons charged with felonies for which bond is permissible
481 under the law in the courts of this state prior to conviction; provided, however, that no such
482 program shall be established in a county without the unanimous approval of the superior
483 court judges, the district attorney, and the sheriff of such county. The board shall
484 promulgate rules and regulations governing any pretrial release and diversion programs
485 established and operated by DCS and shall grant authorization for the establishment of such
486 programs based on the availability of sufficient staff and resources.

487 42-3-71.

488 The court in which a person is charged with a felony for which bond is permissible under
489 the law may, upon the application by the person so charged, at its discretion release the
490 person prior to conviction and upon recognizance to the supervision of a pretrial release or
491 diversion program established and operated by DCS after an investigation and upon
492 recommendation of the staff of the pretrial release or diversion program. In no case,
493 however, shall any person be so released unless after consultation with his or her attorney
494 or an attorney made available to the person if he or she is indigent that person has
495 voluntarily agreed to participate in the pretrial release or diversion program and knowingly
496 and intelligently has waived his or her right to a speedy trial for the period of pretrial
497 release or diversion.

498 42-3-72.

499 DCS may contract with the various counties of this state for the services and facilities
500 necessary to operate pretrial release and diversion programs established under this article,
501 and both DCS and the counties are authorized to enter into such contracts as are appropriate
502 to carry out the purpose of this article.

503 42-3-73.

504 The authority to establish and operate pretrial release and diversion programs granted to
505 DCS under this article shall not affect the authority of the Georgia Department of Labor
506 to enter into agreements with district attorneys of the several judicial circuits of this state
507 for the purpose of establishing and operating pretrial intervention programs in such judicial
508 circuits.

509 42-3-74.

510 No person shall be released on his or her own recognizance or approved for a pretrial
511 release and diversion program without first having the approval in writing of the judge of
512 the court having jurisdiction of the case.

513 ARTICLE 5

514 42-3-90.

515 A county shall be authorized to establish a diversion center under the direction of the
516 sheriff of the county in which the diversion center is located and a diversion program for
517 the confinement of certain persons who have been found in contempt of court for violation
518 of orders granting temporary or permanent alimony or child support and sentenced
519 pursuant to subsection (c) of Code Section 15-1-4. While in such diversion program, the
520 respondent shall be authorized to travel to and from his or her place of employment and to
521 continue his or her occupation. The official in charge of the diversion program or his or
522 her designee shall prescribe the routes, manner of travel, and periods of travel to be used
523 by the respondent in attending to his or her occupation. If the respondent's occupation
524 requires the respondent to travel away from his or her place of employment, the amount
525 and conditions of such travel shall be approved by the official in charge of the diversion
526 center or his or her designee. When the respondent is not traveling to or from his or her
527 place of employment or engaging in his or her occupation, such person shall be confined
528 in the diversion center during the term of the sentence. With the approval of the sheriff or
529 his or her designee, the respondent may participate in educational or counseling programs
530 offered at the diversion center. While participating in the diversion program, the
531 respondent shall be liable for alimony or child support as previously ordered, including
532 arrears, and his or her income shall be subject to the provisions of Code Sections 19-6-30
533 through 19-6-33 and Chapter 11 of Title 19. In addition, should any funds remain after
534 payment of child support or alimony, the respondent may be charged and a fee payable to
535 the county operating the diversion program to cover the costs of his or her incarceration
536 and the administration of the diversion program which fee shall be not more than \$30.00
537 per day or the actual per diem cost of maintaining the respondent, whichever is less, for the
538 entire period of time the person is confined to the center and participating in the program.
539 If the respondent fails to comply with any of the requirements imposed upon him or her in
540 accordance with this Code section, nothing shall prevent the sentencing judge from
541 revoking such assignment to a diversion program and providing for alternative methods of
542 incarceration.

543

ARTICLE 6544 42-3-110.545 This article shall be known and may be cited as the 'Probation Management Act.'546 42-3-111.547 For purposes of this article, the term:548 (1) 'Chief community supervision officer' means the highest ranking field community
549 supervision officer in each judicial circuit.550 (2) 'Electronic monitoring' means supervising, mapping, or tracking the location of a
551 probationer by means including electronic surveillance, voice recognition, facial
552 recognition, fingerprinting or biometric scan, automated kiosk, automobile ignition
553 interlock device, or global positioning systems which may coordinate data with crime
554 scene information.555 (3) 'Hearing officer' means an impartial DCS employee or representative who has been
556 selected and appointed to hear alleged cases regarding violations of probation for
557 administrative sanctioning.558 (4) 'Initial sanction' means the sanction set by the judge upon initial sentencing.559 (5) 'Options system day reporting center' means a state facility providing supervision of
560 probationers which includes, but is not limited to, mandatory reporting, program
561 participation, drug testing, community service, all special conditions of probation, and
562 general conditions of probation as set forth in Code Section 42-8-35.563 (6) 'Options system probationer' means a probationer who has been sentenced to the
564 sentencing options system.565 (7) 'Probation supervision' means a level of probation supervision which includes, but
566 is not limited to, general conditions of probation as set forth in Code Section 42-8-35 and
567 all special conditions of probation.568 (8) 'Residential substance abuse treatment facility' means a state correctional facility that
569 provides inpatient treatment for alcohol and drug abuse.570 (9) 'Sentencing options system' means a continuum of sanctions for probationers that
571 includes the sanctions set forth in subsection (c) of Code Section 42-3-113.572 42-3-112.573 (a) In addition to any other terms or conditions of probation provided for under this
574 chapter, the sentencing judge may require that defendants who are sentenced to probation
575 pursuant to subsection (c) of Code Section 42-8-34 be ordered to the sentencing options
576 system.

577 (b) When a defendant has been ordered to the sentencing options system, the court shall
578 retain jurisdiction throughout the period of the probated sentence as provided in
579 subsection (g) of Code Section 42-8-34 and may modify or revoke any part of a probated
580 sentence as provided in Code Section 42-8-34.1 and subsection (c) of Code Section
581 42-8-38.

582 42-3-113.

583 (a) DCS shall be authorized to establish by rules and regulations a system of administrative
584 sanctions as an alternative to judicial modifications or revocations for probationers who
585 violate the terms and conditions of the sentencing options system established under this
586 article. DCS may not, however, sanction probationers for violations of special conditions
587 of probation or general conditions of probation for which the sentencing judge has
588 expressed an intention that such violations be heard by the court pursuant to Code Section
589 42-8-34.1.

590 (b) DCS shall only impose restrictions which are equal to or less restrictive than the
591 sanction cap set by the sentencing judge.

592 (c) The administrative sanctions which may be imposed by DCS are as follows, from most
593 restrictive to least restrictive:

594 (1) Probation detention center or residential substance abuse treatment facility;

595 (2) Probation boot camp;

596 (3) DCS day reporting center;

597 (4) Electronic monitoring;

598 (5) Community service; or

599 (6) Probation supervision.

600 (d) DCS may order offenders sanctioned pursuant to paragraphs (1) through (3) of
601 subsection (c) of this Code section to be held in the local jail until transported to a
602 designated facility.

603 42-3-114.

604 (a) Whenever an options system probationer is arrested on a warrant for an alleged
605 violation of probation, an informal preliminary hearing shall be held within a reasonable
606 time not to exceed 15 days.

607 (b) A preliminary hearing shall not be required when:

608 (1) The probationer is not under arrest on a warrant;

609 (2) The probationer signed a waiver of a preliminary hearing; or

610 (3) The administrative hearing referred to in Code Section 42-3-115 will be held within
611 15 days of arrest.

612 42-3-115.

613 (a) If an options system probationer violates the conditions of probation, DCS may impose
614 administrative sanctions as an alternative to judicial modification or revocation of
615 probation.

616 (b) Upon issuance of a petition outlining the alleged probation violations, the chief
617 community supervision officer, or his or her designee, may conduct a hearing to determine
618 whether an options system probationer has violated a condition of probation. If the chief
619 community supervision officer determines that the probationer has violated a condition of
620 probation, the chief community supervision officer shall be authorized to impose sanctions
621 consistent with paragraphs (4) through (7) of subsection (c) of Code Section 42-3-113. The
622 failure of an options system probationer to comply with a sanction imposed by the chief
623 community supervision officer shall constitute a violation of probation.

624 (c)(1) Upon issuance of a petition outlining the alleged probation violations, the hearing
625 officer may initiate an administrative proceeding to determine whether an options system
626 probationer has violated a condition of probation. If the hearing officer determines by
627 a preponderance of the evidence that the probationer has violated a condition of
628 probation, the hearing officer may impose sanctions consistent with Code Section
629 42-3-113.

630 (2) The administrative proceeding provided for under this subsection shall be
631 commenced within 15 days but not less than 48 hours after notice of the administrative
632 proceeding has been served on the probationer. The administrative proceeding may be
633 conducted electronically.

634 (d) The failure of a probationer to comply with the sanction or sanctions imposed by the
635 chief community supervision officer or hearing officer shall constitute a violation of
636 probation.

637 (e) An options system probationer may at any time waive a hearing and voluntarily accept
638 the sanctions proposed by DCS.

639 42-3-116.

640 (a) The hearing officer's decision shall be final unless the options system probationer files
641 a request for review with the senior hearing officer. A request for review must be filed
642 within 15 days of the issuance of DCS's decision. Such request shall not stay DCS's
643 decision. The senior hearing officer shall issue a response within seven days of receipt of
644 the review request.

645 (b) The senior hearing officer's decision shall be final unless the options system
646 probationer files an appeal in the sentencing court. Such appeal shall name the

647 commissioner as defendant and shall be filed within 30 days of the issuance of the decision
 648 by the senior hearing officer.

649 (c) This appeal shall first be reviewed by the judge upon the record. At the judge's
 650 discretion, a de novo hearing may be held on the decision. The filing of the appeal shall
 651 not stay DCS's decision.

652 (d) Where the sentencing judge does not act on the appeal within 30 days of the date of the
 653 filing of the appeal, DCS's decision shall be affirmed by operation of law.

654 42-3-117.

655 Nothing contained in this article shall be construed as repealing any power given to any
 656 court of this state to place offenders on probation or to provide conditions of supervision
 657 for offenders.

658 42-3-118.

659 This article shall only apply in judicial circuits where DCS has allocated certified hearing
 660 officers.

661 42-3-119.

662 This article shall be liberally construed so that its purposes may be achieved."

663 **PART II**

664 **ADVISORY COUNCIL FOR PROBATION**

665 **SECTION 2-1.**

666 Said title is further amended by repealing in its entirety Article 1 of Chapter 8, relating to the
 667 Advisory Council for Probation, and designating said article as reserved.

668 **PART III**

669 **COUNTY AND MUNICIPAL**

670 **PROBATION ADVISORY COUNCIL**

671 **SECTION 3-1.**

672 (a) The General Assembly finds that:

673 (1) The authorization for county and municipal probation offices and private probation
 674 services was enacted to provide cost savings to the state by using state probation services
 675 for felony offenders and utilizing county and municipal probation offices and private

676 probation entities which contract with courts for the supervision of misdemeanor and
677 county and city ordinance offenders;

678 (2) In enacting such legislation, the General Assembly intended to authorize judges to
679 use county and municipal probation offices and private probation services providers to
680 supervise misdemeanor and county and city ordinance offenders in the same manner as
681 the judges of the superior courts use state probation services as a means of supervising
682 felony offenders;

683 (3) The General Assembly did not intend to restrict the powers of judges to impose,
684 suspend, toll, revoke, or otherwise manage the probation of misdemeanor and county and
685 city ordinance offenders sentenced in such courts when utilizing county and municipal
686 probation offices and private probation services providers; and

687 (4) The General Assembly intended that county and municipal probation officers and
688 private probation officers, when acting in performance of their official duties in
689 supervising probationers in accordance with law and the orders of a court, would have
690 the same rights, authority, and protections as state probation supervisors.

691 (b) It is the intention of the General Assembly to improve the use and provision of probation
692 services by courts for misdemeanor and ordinance violations by enacting this part.

693 **SECTION 3-2.**

694 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
695 by revising Article 6 of Chapter 8, relating to agreements for probation services, as follows:

696 "ARTICLE 6

697 42-8-100.

698 (a) As used in this article, the term:

699 (1) 'Board' means the Board of Community Supervision. ~~'Council' means the County and~~
700 ~~Municipal Probation Advisory Council created under Code Section 42-8-101.~~

701 (2) 'Private probation officer' means ~~a probation officer~~ an individual employed by a
702 private corporation, private enterprise, private agency, or other private entity ~~that~~
703 ~~provides probation services to supervise defendants placed on probation by a court for~~
704 committing an ordinance violation or misdemeanor.

705 (3) 'Probation officer' means ~~a person~~ an individual employed by a governing authority
706 of a county, municipality, or consolidated government to supervise defendants placed on
707 probation by a ~~county or municipal~~ court for committing an ordinance violation or
708 misdemeanor.

709 ~~(b) Any county or municipal court which has original jurisdiction of ordinance violations~~
 710 ~~or misdemeanors and in which the defendant in such a case has been found guilty upon~~
 711 ~~verdict or any plea may, at a time to be determined by the court, hear and determine the~~
 712 ~~question of the probation of such defendant.~~

713 ~~(c) If it appears to the court upon a hearing of the matter that the defendant is not likely to~~
 714 ~~engage in an unlawful course of conduct and that the ends of justice and the welfare of~~
 715 ~~society do not require that the defendant shall presently suffer the penalty imposed by law,~~
 716 ~~the court in its discretion shall impose sentence upon the defendant but may stay and~~
 717 ~~suspend the execution of the sentence or any portion thereof or may place him or her on~~
 718 ~~probation under the supervision and control of a probation officer for the duration of such~~
 719 ~~probation, subject to the provisions of this Code section. The period of probation or~~
 720 ~~suspension shall not exceed the maximum sentence of confinement which could be~~
 721 ~~imposed on the defendant.~~

722 ~~(d) The court may, in its discretion, require the payment of a fine or costs, or both, as a~~
 723 ~~condition precedent to probation.~~

724 ~~(e) The sentencing judge shall not lose jurisdiction over any person placed on probation~~
 725 ~~during the term of his or her probated sentence. The judge is empowered to revoke any or~~
 726 ~~all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed~~
 727 ~~advisable by the judge, modify or change the probated sentence at any time during the~~
 728 ~~period of time originally prescribed for the probated sentence to run.~~

729 ~~(f) If a defendant is placed on probation pursuant to this Code section by a county or~~
 730 ~~municipal court other than one for the county or municipality in which he or she resides for~~
 731 ~~committing any ordinance violation or misdemeanor, such defendant may, when~~
 732 ~~specifically ordered by the court, have his or her probation supervision transferred to the~~
 733 ~~county or municipality in which he or she resides.~~

734 42-8-101.

735 ~~(g)~~(a)(1) The chief judge of any court within ~~the~~ a county, with the approval of the
 736 governing authority of ~~that~~ such county, is shall be authorized to enter into written
 737 contracts with corporations, enterprises, or agencies to provide probation supervision,
 738 counseling, collection services for all moneys to be paid by a defendant according to the
 739 terms of the sentence imposed on the defendant as well as any moneys which by
 740 operation of law are to be paid by the defendant in consequence of the conviction, and
 741 other probation services for persons convicted in ~~that~~ such court and placed on probation
 742 in ~~the~~ such county. In no case shall a private probation corporation or enterprise be
 743 charged with the responsibility for supervising a felony sentence. The final contract
 744 negotiated by the chief judge with the private probation entity shall be attached to the

745 approval by the governing authority of the county to privatize probation services as an
 746 exhibit thereto. The termination of a contract for probation services as provided for in
 747 this subsection ~~entered into on or after July 1, 2001~~, shall be initiated by the chief judge
 748 of the court which entered into the contract, and subject to approval by the governing
 749 authority of the county which entered into the contract and in accordance with the agreed
 750 upon, written provisions of such contract. ~~The termination of a contract for probation~~
 751 ~~services as provided for in this subsection in existence on July 1, 2001, and which~~
 752 ~~contains no provisions relating to termination of such contract shall be initiated by the~~
 753 ~~chief judge of the court which entered into the contract, and subject to approval by the~~
 754 ~~governing authority of the county which entered into the contract and in accordance with~~
 755 ~~the agreed upon, written provisions of such contract.~~

756 (2) The chief judge of any court within ~~the~~ a county, with the approval of the governing
 757 authority of ~~that~~ such county, is authorized to establish a county probation system to
 758 provide probation supervision, counseling, collection services for all moneys to be paid
 759 by a defendant according to the terms of the sentence imposed on the defendant as well
 760 as any moneys which by operation of law are to be paid by the defendant in consequence
 761 of the conviction, and other probation services for persons convicted in ~~that~~ such court
 762 and placed on probation in ~~the~~ such county.

763 ~~(h)~~(b)(1) The judge of the municipal court of any municipality or consolidated
 764 government of a municipality and county of this state, with the approval of the governing
 765 authority of ~~that~~ such municipality or consolidated government, is authorized to enter into
 766 written contracts with private corporations, enterprises, or agencies to provide probation
 767 supervision, counseling, collection services for all moneys to be paid by a defendant
 768 according to the terms of the sentence imposed ~~and~~ on the defendant as well as any
 769 moneys which by operation of law are to be paid by the defendant in consequence of the
 770 conviction, and other probation services for persons convicted in such court and placed
 771 on probation. The final contract negotiated by the judge with the private probation entity
 772 shall be attached to the approval by the governing authority of the municipality or
 773 consolidated government to privatize probation services as an exhibit thereto. The
 774 termination of a contract for probation services as provided for in this subsection shall be
 775 initiated by the chief judge of the court which entered into the contract and shall be
 776 subject to approval by the governing authority of the municipality or consolidated
 777 government which entered into the contract and in accordance with the agreed upon,
 778 written provisions of such contract.

779 (2) The judge of the municipal court of any municipality or consolidated government of
 780 a municipality and county of this state, with the approval of the governing authority of
 781 ~~that~~ such municipality or consolidated government, is authorized to establish a probation

782 system to provide probation supervision, counseling, collection services for all moneys
 783 to be paid by a defendant according to the terms of the sentence imposed ~~and~~ on the
 784 defendant as well as any moneys which by operation of law are to be paid by the
 785 defendant in consequence of the conviction, and other probation services for persons
 786 convicted in such court and placed on probation.

787 42-8-102.

788 (a) Any court which has original jurisdiction of ordinance violations or misdemeanors and
 789 in which the defendant in such a case has been found guilty upon verdict or has pled guilty
 790 or nolo contendere may, at a time to be determined by the court, hear and determine the
 791 question of the probation of such defendant.

792 (b) If it appears to the court upon a hearing of the matter that the defendant is not likely
 793 to engage in an unlawful course of conduct and that the ends of justice and the welfare of
 794 society do not require that the defendant shall presently suffer the penalty imposed by law,
 795 the court in its discretion may place the defendant on probation under the supervision and
 796 control of a probation officer or private probation officer for all or a portion of the sentence
 797 or may impose a sentence upon the defendant but stay and suspend the execution of such
 798 sentence or any portion thereof. The period of probation or suspension shall not exceed the
 799 maximum sentence of confinement which could be imposed on the defendant; provided,
 800 however, that nothing in this chapter shall be construed to limit the ability of a court to toll
 801 a sentence as provided in this article.

802 (c) The court may, in its discretion, require the payment of a fine, fees, or restitution as a
 803 condition of probation. The provisions of Chapter 14 of Title 17 shall control in
 804 determining the amount of restitution. When probation supervision is required, the court
 805 may require the payment of a probation supervision fee as a condition of probation. In
 806 determining the financial obligations, other than restitution, to impose on the defendant,
 807 the court may consider:

808 (1) The defendant's financial resources and other assets, including whether any such asset
 809 is jointly controlled;

810 (2) The defendant's earnings and other income;

811 (3) The defendant's financial obligations, including obligations to dependents;

812 (4) The period of time during which the probation order will be in effect;

813 (5) The goal of the punishment being imposed; and

814 (6) Any other factor the court deems appropriate.

815 (d) The court may convert fines, statutory surcharges, and probation supervision fees to
 816 community service on the same basis as it allows a defendant to pay a fine through
 817 community service as set forth in subsection (d) of Code Section 17-10-1.

818 (e)(1) As used in this subsection, the term:

819 (A) 'Developmental disability' shall have the same meaning as set forth in Code
820 Section 37-1-1.

821 (B) 'Indigent' means an individual who earns less than 100 percent of the federal
822 poverty guidelines unless there is evidence that the individual has other resources that
823 might reasonably be used without undue hardship for such individual or his or her
824 dependents.

825 (C) 'Significant financial hardship' means a reasonable probability that an individual
826 will be unable to satisfy his or her financial obligations for two or more consecutive
827 months.

828 (D) 'Totally and permanently disabled' shall have the same meaning as set forth in
829 Code Section 49-4-80.

830 (2) The court shall waive, modify, or convert fines, statutory surcharges, probation
831 supervision fees, and any other moneys assessed by the court or a provider of probation
832 services upon a determination by the court prior to or subsequent to sentencing that a
833 defendant has a significant financial hardship or inability to pay or that there are any
834 other extenuating factors which prohibit payment or collection; provided, however, that
835 the imposition of sanctions for failure to pay such sums shall be within the discretion of
836 the court through judicial process or hearings.

837 (3) Unless rebutted by a preponderance of the evidence that a defendant will be able to
838 satisfy his or her financial obligations without undue hardship to the defendant or his or
839 her dependents, a defendant shall be presumed to have a significant financial hardship if
840 he or she:

841 (A) Has a developmental disability;

842 (B) Is totally and permanently disabled;

843 (C) Is indigent; or

844 (D) Has been released from confinement within the preceding 12 months and was
845 incarcerated for more than 30 days before his or her release.

846 (f)(1) The sentencing judge shall not lose jurisdiction over any person placed on
847 probation during the term of his or her probated sentence. As further set forth in this
848 subsection, the judge may revoke any or all of the probated sentence, rescind any or all
849 of the sentence, or, in any manner deemed advisable by the judge, modify or change the
850 probated sentence, including tolling the sentence as provided in this article, at any time
851 during the period of time originally prescribed for the probated sentence to run.

852 (2) Absent a waiver, the court shall not revoke a probationary sentence for failure to pay
853 fines, statutory surcharges, or probation supervision fees without holding a hearing,
854 inquiring into the reasons for the probationer's failure to pay, and, if a probationary

855 sentence is revoked, making an express written determination that the probationer has not
 856 made sufficient bona fide efforts to pay and the probationer's failure to pay was willful
 857 or that adequate alternative types of punishment do not exist. Should the probationer fail
 858 to appear at such hearing, the court may, in its discretion, revoke the probated sentence.

859 (3) A person otherwise found eligible to have his or her probation modified or terminated
 860 pursuant to paragraph (1) of this subsection shall not be deemed ineligible for
 861 modification or termination of probation solely due to his or her failure to pay fines,
 862 statutory surcharges, or probation supervision fees.

863 (4) At any revocation hearing, upon proof that the probationer has violated probation:

864 (A) For failure to report to probation or failure to pay fines, statutory surcharges, or
 865 probation supervision fees, the court shall consider the use of alternatives to
 866 confinement, including community service, modification of the terms of probation, or
 867 any other alternative deemed appropriate by the court. The court shall consider whether
 868 a failure to pay court imposed financial obligations was willful. In the event an
 869 alternative is not warranted, the court shall revoke the balance of probation or a period
 870 not to exceed 120 days in confinement, whichever is less; and

871 (B) For failure to comply with any other general provision of probation or suspension,
 872 the court shall consider the use of alternatives to confinement, including community
 873 service or any other alternative deemed appropriate by the court. In the event an
 874 alternative is not warranted, the court shall revoke the balance of probation or a period
 875 not to exceed two years in confinement, whichever is less.

876 (g) If a defendant is placed on probation pursuant to this Code section by a court other than
 877 one for the county or municipality in which he or she resides for committing any ordinance
 878 violation or misdemeanor, such defendant may, when specifically ordered by the court,
 879 have his or her probation supervision transferred to the county or municipality in which he
 880 or she resides.

881 42-8-103.

882 (a) As used in this Code section, the term 'pay-only probation' means a defendant has been
 883 placed under probation supervision solely because such defendant is unable to pay the court
 884 imposed fines and statutory surcharges when such defendant's sentence is imposed. Such
 885 term shall not include circumstances when restitution has been imposed or other probation
 886 services are deemed appropriate by the court.

887 (b) When pay-only probation is imposed, the probation supervision fees shall be capped
 888 so as not to exceed three months of ordinary probation supervision fees notwithstanding
 889 the number of cases for which a fine and statutory surcharge were imposed or that the
 890 defendant was sentenced to serve consecutive sentences; provided, however, that collection

891 of any probation supervision fee shall terminate as soon as all court imposed fines and
 892 statutory surcharges are paid in full.

893 (c) If pay-only probation is subsequently converted to a sentence that requires community
 894 service, on petition by a probation officer or private probation officer and with the
 895 probationer having an opportunity for a hearing, the court may reinstate probation
 896 supervision fees as necessary to monitor the probationer's compliance with community
 897 service obligations.

898 42-8-104.

899 (a) A court which utilizes the services of a probation officer or private probation officer
 900 shall determine the terms and conditions of probation under this article and may provide
 901 such terms and conditions of probation as the court deems appropriate, including, but not
 902 limited to, providing that the probationer shall:

903 (1) Avoid injurious and vicious habits;

904 (2) Avoid persons or places of disreputable or harmful character;

905 (3) Report to the probation officer or private probation officer, as the case may be, as
 906 directed;

907 (4) Permit the probation officer or private probation officer, as the case may be, to visit
 908 the probationer at the probationer's home or elsewhere;

909 (5) Work faithfully at suitable employment insofar as may be possible;

910 (6) Remain within a specified location; provided, however, that the court shall not banish
 911 a probationer to any area within this state:

912 (A) That does not consist of at least one entire judicial circuit as described by Code
 913 Section 15-6-1; or

914 (B) In which any service or program in which the probationer must participate as a
 915 condition of probation is not available;

916 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused
 917 by the probationer's offense, in an amount to be determined by the court in accordance
 918 with the provisions of Article 1 of Chapter 14 of Title 17. Unless otherwise provided by
 919 law, no reparation or restitution to any aggrieved person for the damage or loss caused
 920 by the probationer's offense shall be made if the amount is in dispute unless the same has
 921 been determined as provided in Article 1 of Chapter 14 of Title 17;

922 (8) Make reparation or restitution as reimbursement to a municipality or county for the
 923 payment for medical care furnished to the person while incarcerated pursuant to the
 924 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
 925 governmental unit for the provision of medical care shall be made if the amount is in

926 dispute unless the same has been determined as provided in Article 1 of Chapter 14 of
927 Title 17;
928 (9) Repay the costs incurred by any municipality or county for wrongful actions by an
929 inmate covered under the provisions of paragraph (1) of subsection (a) of Code
930 Section 42-4-71;
931 (10) Support the probationer's legal dependents to the best of the probationer's ability;
932 (11) Violate no local, state, or federal laws and be of general good behavior;
933 (12) If permitted to move or travel to another state, agree to waive extradition from any
934 jurisdiction where the probationer may be found and not contest any effort by any
935 jurisdiction to return the probationer to this state;
936 (13) Submit to evaluations and testing relating to rehabilitation and participate in and
937 successfully complete rehabilitative programming as directed by the court, including
938 periodic screening for drugs and alcohol as ordered by the court and mental health
939 evaluations as ordered by the court. The court may assess and the probation officer or
940 private probation officer, as the case may be, shall be authorized to collect the costs or
941 a portion of the costs, as determined by the court, of such evaluations, testing,
942 rehabilitation programs, and screenings from the probationer;
943 (14) Wear a device capable of tracking the location of the probationer by means
944 including electronic surveillance or global positioning satellite systems. The court may
945 assess and the probation officer or private probation officer, as the case may be, shall
946 collect fees from the probationer for such monitoring at a rate not to exceed the rate set
947 forth in the contract between the court and the provider of services;
948 (15) Wear a device capable of detecting drug or alcohol use by the probationer. The
949 court may assess and the probation officer or private probation officer, as the case may
950 be, shall collect fees from the probationer for such monitoring at a rate not to exceed the
951 rate set forth in the contract between the court and the provider of services; and
952 (16) Complete a residential or nonresidential program for substance abuse or mental
953 health treatment as indicated by a risk and needs assessment for which the court may
954 assess, and the probation officer or private probation officer, as the case may be, shall be
955 authorized to collect the costs of or a portion of the costs, as determined by the court, of
956 such program from the probationer.
957 (b) Nothing in this Code section shall be construed as prohibiting a court in appropriate
958 circumstances from imposing additional special conditions of probation unless otherwise
959 prohibited by law.

960 42-8-105.

961 (a) It shall be the duty of a probationer, as a condition of probation, to keep his or her
962 probation officer or private probation officer, as the case may be, informed as to his or her
963 contact information, including residence and mailing address, telephone number, and
964 e-mail address. The court may also require, as a condition of probation and under such
965 terms as the court deems advisable, that the probationer keep his or her probation officer
966 or private probation officer, as the case may be, informed as to his or her whereabouts.

967 (b)(1) The running of a probated sentence may be tolled upon the failure of a probationer
968 to appear in court for a probation revocation hearing or to report as directed to his or her
969 probation officer or private probation officer, as the case may be; either of such failures
970 shall be evidenced by an affidavit from the probation officer or private probation officer,
971 as the case may be, setting forth such failure and stating efforts made by such officer to
972 contact the probationer. When the allegation is for failure to report, such affidavit shall
973 include, at a minimum, an averment by the probation officer or private probation officer
974 that:

975 (A) The probationer has failed to report to his or her probation officer or private
976 probation officer, as the case may be, on at least two occasions;

977 (B) The officer has attempted to contact the probationer at least two times by telephone
978 or e-mail at the probationer's last known telephone number or e-mail address, which
979 information shall be listed in the affidavit;

980 (C) The officer has checked the local jail rosters and determined that the probationer
981 is not incarcerated;

982 (D) The officer has sent a letter by first-class mail to the probationer's last known
983 address, which shall be listed in the affidavit, advising the probationer that the officer
984 will seek a tolling order if the probationer does not report to such officer, either by
985 telephone or in person, within ten days of the date on which the letter was mailed; and

986 (E) The probationer has failed to report to the probation officer or private probation
987 officer, as the case may be, as directed in the letter set forth in subparagraph (D) of this
988 paragraph and ten days have passed since the date on which the letter was mailed.

989 (2) In the event the probationer reports to his or her probation officer or private probation
990 officer, as the case may be, within the period prescribed in subparagraph (D) of paragraph
991 (1) of this subsection, the probationer shall be scheduled to appear on the next available
992 court calendar for a hearing to consider whether the probation sentence should be tolled.

993 (c) Upon receipt of the affidavit required by subsection (b) of this Code section, the court
994 may, in its discretion, toll the probated sentence.

995 (d) The effective date of the tolling of the sentence shall be the date the court enters a
996 tolling order and shall continue until the probationer personally reports to the probation

997 officer or private probation officer, as the case may be, is taken into custody in this state,
 998 or is otherwise available to the court, whichever event first occurs.

999 (e) Any tolled period of time shall not be included in computing creditable time served on
 1000 probation or as any part of the time that the probationer was sentenced to serve.

1001 (f) Any unpaid fines, restitution, or other moneys owed as a condition of probation shall
 1002 be due when the probationer is arrested; provided, however, that if the entire balance of his
 1003 or her probation is revoked, all the conditions of probation, including moneys owed, shall
 1004 be negated by his or her imprisonment. If only part of the balance of the probation is
 1005 revoked, the court shall determine the probationer's responsibility for the amount of the
 1006 unpaid fines, restitution, and other moneys owed that shall be imposed upon his or her
 1007 return to probation after release from imprisonment and may reduce arrearages under the
 1008 same circumstances and conditions as set forth in subsection (f) of Code Section 42-8-102.

1009 ~~42-8-101.~~ 42-8-106.

1010 (a) ~~There is created the County and Municipal Probation Advisory Council, to be an~~
 1011 ~~advisory council with respect to the provisions of this article~~ composed of one superior
 1012 court judge designated by The Council of Superior Court Judges of Georgia, one state court
 1013 judge designated by The Council of State Court Judges of Georgia, one municipal court
 1014 judge designated by the Council of Municipal Court Judges of Georgia, ~~one sheriff~~
 1015 ~~appointed by the Governor,~~ one probate court judge designated by The Council of Probate
 1016 Court Judges of Georgia, one magistrate designated by the Council of Magistrate Court
 1017 Judges, ~~the commissioner of corrections or his or her designee~~ one attorney who specializes
 1018 in criminal defense appointed by the Governor, one public probation officer appointed by
 1019 the Governor, and one private probation officer or individual with expertise in private
 1020 probation services by virtue of his or her training or employment appointed by the
 1021 Governor, ~~one mayor or member of a municipal governing authority appointed by the~~
 1022 ~~Governor, and one county commissioner appointed by the Governor.~~ The appointing
 1023 authority shall determine the length of its appointee's term serving on such council. The
 1024 advisory council shall elect a chairperson from among its membership and such other
 1025 officers as it deems necessary. Members of the council appointed by the Governor shall
 1026 be appointed for terms of office of four years. With the exceptions of the public probation
 1027 officer, the county commissioner, the sheriff, the mayor or member of a municipal
 1028 governing authority, and the commissioner of corrections, each designee or representative
 1029 shall be employed in their representative capacity in a judicial circuit operating under a
 1030 contract with a private corporation, enterprise, or agency as provided under Code Section
 1031 42-8-100. No person shall serve beyond the time he or she holds the office or employment
 1032 by reason of which he or she was initially eligible for appointment. In the event of death,

1033 ~~resignation, disqualification, or removal for any reason of any member of the council, the~~
 1034 ~~vacancy shall be filled in the same manner as the original appointment and any successor~~
 1035 ~~shall serve for the unexpired term. Such council shall promulgate rules and regulations~~
 1036 ~~regarding contracts or agreements for the provision of probation services and the conduct~~
 1037 ~~of business by private entities providing probation services and county, municipal, or~~
 1038 ~~consolidated governments establishing probation systems as authorized by this article.~~

1039 ~~(b) The business of the council shall be conducted in the following manner:~~

1040 ~~(1) The council shall annually elect a chairperson and a vice chairperson from among its~~
 1041 ~~membership. The offices of chairperson and vice chairperson shall be filled in such a~~
 1042 ~~manner that they are not held in succeeding years by representatives of the same~~
 1043 ~~component (law enforcement, courts, corrections) of the criminal justice system;~~

1044 ~~(2) The council shall meet at such times and places as it shall determine necessary or~~
 1045 ~~convenient to perform its duties. The council shall also meet on the call of the~~
 1046 ~~chairperson or at the written request of three of its members;~~

1047 ~~(3) The council shall maintain minutes of its meetings and such other records as it deems~~
 1048 ~~necessary; and~~

1049 ~~(4) The council shall adopt such rules for the transaction of its business as it shall desire~~
 1050 ~~and may appoint such committees as it considers necessary to carry out its business and~~
 1051 ~~duties.~~

1052 ~~(c) Members of the council shall serve without compensation but shall receive the same~~
 1053 ~~expense allowance per day as that received by a member of the General Assembly for each~~
 1054 ~~day such member of the council is in attendance at a meeting of such council, plus either~~
 1055 ~~reimbursement for actual transportation costs while traveling by public carrier or the same~~
 1056 ~~mileage allowance for use of a personal motor vehicle in connection with such attendance~~
 1057 ~~as members of the General Assembly receive. Payment of such expense and travel~~
 1058 ~~allowance shall be subject to availability of funds and shall be in lieu of any per diem,~~
 1059 ~~allowance, or other remuneration now received by any such member for such attendance.~~

1060 ~~(d) The council is assigned to the Administrative Office of the Courts for administrative~~
 1061 ~~purposes only in accordance with Code Section 50-4-3. The funds necessary to carry out~~
 1062 ~~the provisions of this article shall come from funds appropriated to the Administrative~~
 1063 ~~Office of the Courts or otherwise available to the council. The council is authorized to~~
 1064 ~~accept and use grants of funds for the purpose of carrying out the provisions of this article.~~

1065 ~~(e)(b) The council board shall have the following powers and duties; provided that, with~~
 1066 ~~respect to promulgating the rules, regulations, and standards set forth in this subsection, the~~
 1067 ~~board shall act only upon consultation with and approval by the advisory board:~~

1068 ~~(1) To promulgate rules and regulations for the administration of the council, including~~
 1069 ~~rules of procedure for its internal management and control;~~

1070 ~~(2)~~(1) To review the uniform professional standards for private probation officers and
 1071 uniform contract standards for private probation contracts established in Code Section
 1072 ~~42-8-102~~ 42-8-107 and submit a report with its recommendations to the General
 1073 Assembly;

1074 ~~(3)~~(2) To promulgate rules and regulations to implement those uniform professional
 1075 standards for probation officers ~~employed by a governing authority of a county,~~
 1076 ~~municipality, or consolidated government that has established probation services~~ and
 1077 uniform agreement standards for the establishment of probation services by a county,
 1078 municipality, or consolidated government established in Code Section ~~42-8-102~~
 1079 42-8-107;

1080 ~~(4)~~(3) To promulgate rules and regulations establishing a 40 hour initial orientation for
 1081 newly hired private probation officers and for 20 hours per annum of continuing
 1082 education for private probation officers, provided that the 40 hour initial orientation shall
 1083 not be required of any person who has successfully completed a ~~probation or parole~~
 1084 ~~officer~~ basic course of training for supervision of probationers or parolees certified by the
 1085 Georgia Peace Officer Standards and Training Council or any private probation officer
 1086 who has been employed by a private probation corporation, enterprise, or agency for at
 1087 least six months as of July 1, 1996;

1088 ~~(5)~~(4) To promulgate rules and regulations establishing a 40 hour initial orientation for
 1089 probation officers ~~employed by a county, municipality, or consolidated government that~~
 1090 ~~has established probation services~~ and for 20 hours per annum of continuing education
 1091 for such probation officers, provided that the 40 hour initial orientation shall not be
 1092 required of any person who has successfully completed a ~~probation or parole officer~~ basic
 1093 course of training for supervision of probationers or parolees certified by the Georgia
 1094 Peace Officer Standards and Training Council or any probation officer who has been
 1095 employed by a county, municipality, or consolidated government as of March 1, 2006;

1096 ~~(6)~~(5) To promulgate rules and regulations relative to compliance with the provisions of
 1097 this article, and enforcement mechanisms that may include, but are not limited to, the
 1098 imposition of sanctions and fines and the voiding of contracts or agreements;

1099 ~~(7)~~(6) To promulgate rules and regulations establishing registration for any private
 1100 corporation, private enterprise, private agency, county, municipality, or consolidated
 1101 government providing probation services under the provisions of this article, subject to
 1102 the provisions of Code Section ~~42-8-107~~ 42-8-109.3;

1103 ~~(8)~~(7) To produce an annual summary report. ~~Such report shall not contain information~~
 1104 ~~identifying individual private corporations, nonprofit corporations, or enterprises or their~~
 1105 ~~contracts; and~~

1106 ~~(9)(8)~~ To promulgate rules and regulations requiring criminal record checks of
 1107 individuals seeking to become private probation officers ~~registered under this Code~~
 1108 ~~section~~ and establishing procedures for such criminal record checks. The ~~Administrative~~
 1109 ~~Office of the Courts~~ Department of Community Supervision on behalf of the ~~council~~
 1110 board shall conduct a criminal records check for individuals seeking to become probation
 1111 officers as provided in Code Section 35-3-34. ~~No applicant shall be registered who has~~
 1112 ~~previously been convicted of a felony.~~ The ~~council~~ board shall promulgate rules and
 1113 regulations ~~regarding registration requirements, including~~ relating to restrictions
 1114 regarding misdemeanor convictions. An agency or private entity shall also be authorized
 1115 to conduct a criminal history background check of a person employed as a probation
 1116 officer or ~~an applicant for a probation officer position~~ private probation officer or
 1117 individuals seeking such positions. The criminal history check may be conducted in
 1118 accordance with Code Section 35-3-34 and may be based upon the submission of
 1119 fingerprints of the ~~person~~ individual whose records are requested. The Georgia Bureau
 1120 of Investigation shall submit the fingerprints to the Federal Bureau of Investigation under
 1121 the rules established by the United States Department of Justice for processing and
 1122 identification of records. The federal record, if any, shall be obtained and returned to the
 1123 requesting entity or agency;

1124 (9) To create committees from among the membership of the board as well as appoint
 1125 other persons to serve in an advisory capacity to the board in implementing this article;
 1126 and

1127 (10) To promulgate rules and regulations requiring probation officers and private
 1128 probation officers to be registered with the board, pay a fee for such registration, and
 1129 provide for the imposition of sanctions and fines on such officers for misconduct.

1130 ~~42-8-102.~~ 42-8-107.

1131 (a) The uniform professional standards contained in this subsection shall be met by any
 1132 person employed as and using the title of a private probation officer or probation officer.
 1133 Any such person shall be at least 21 years of age at the time of appointment to the position
 1134 of private probation officer or probation officer and ~~must~~ shall have completed a standard
 1135 two-year college course or have four years of law enforcement experience; provided,
 1136 however, that any person employed as a private probation officer as of July 1, 1996, and
 1137 who had at least six months of experience as a private probation officer or any person
 1138 employed as a probation officer by a county, municipality, or consolidated government as
 1139 of March 1, 2006, shall be exempt from such college requirements. Every private
 1140 probation officer shall receive an initial 40 hours of orientation upon employment and shall
 1141 receive 20 hours of continuing education per annum as approved by the ~~council~~ board,

1142 provided that the 40 hour initial orientation shall not be required of any person who has
 1143 successfully completed a ~~probation or parole officer~~ basic course of training for supervision
 1144 of probationers or parolees certified by the Peace Officer Standards and Training Council
 1145 or any private probation officer who has been employed by a private probation corporation,
 1146 enterprise, or agency for at least six months as of July 1, 1996, or any person employed as
 1147 a probation officer by a county, municipality, or consolidated government as of March 1,
 1148 2006. In no event shall any person convicted of a felony be employed as a probation
 1149 officer or ~~utilize the title of~~ private probation officer.

1150 (b) The uniform contract standards contained in this subsection shall apply to all private
 1151 probation contracts executed under the authority of Code Section ~~42-8-100~~ 42-8-101. The
 1152 terms of any such contract shall state, at a minimum:

1153 (1) The extent of the services to be rendered by the private corporation or enterprise
 1154 providing probation supervision;

1155 (2) Any requirements for staff qualifications, ~~to include~~ including those contained in this
 1156 Code section as well as any surpassing those contained in this Code section;

1157 (3) Requirements for criminal record checks of staff in accordance with the rules and
 1158 regulations established by the ~~council~~ board;

1159 (4) Policies and procedures for the training of staff that comply with rules and
 1160 regulations promulgated by the ~~council~~ board;

1161 (5) Bonding of staff and liability insurance coverage;

1162 (6) Staffing levels and standards for offender supervision, including frequency and type
 1163 of contacts with offenders;

1164 (7) Procedures for handling the collection of all court ordered fines, fees, and restitution;

1165 (8) Procedures for handling indigent offenders to ensure placement of such indigent
 1166 offenders irrespective of the ability to pay;

1167 (9) Circumstances under which revocation of an offender's probation may be
 1168 recommended;

1169 (10) Reporting and record-keeping requirements; and

1170 (11) Default and contract termination procedures.

1171 (c) The uniform contract standards contained in this subsection shall apply to all counties,
 1172 municipalities, and consolidated governments that enter into agreements with a judge to
 1173 provide probation services under the authority of Code Section ~~42-8-100~~ 42-8-101. The
 1174 terms of any such agreement shall state at a minimum:

1175 (1) The extent of the services to be rendered by the local governing authority providing
 1176 probation services;

1177 (2) Any requirements for staff qualifications, ~~to include~~ including those contained in this
 1178 Code section;

- 1179 (3) Requirements for criminal record checks of staff in compliance with the rules and
 1180 regulations established by the ~~council~~ board;
- 1181 (4) Policies and procedures for the training of staff that comply with the rules and
 1182 regulations established by the ~~council~~ board;
- 1183 (5) Staffing levels and standards for offender supervision, including frequency and type
 1184 of contacts with offenders;
- 1185 (6) Procedures for handling the collection of all court ordered fines, fees, and restitution;
- 1186 (7) Circumstances under which revocation of an offender's probation may be
 1187 recommended;
- 1188 (8) Reporting and record-keeping requirements; and
- 1189 (9) Default and agreement termination procedures.
- 1190 (d) The ~~council~~ board shall review the uniform professional standards and uniform
 1191 contract and agreement standards contained in ~~subsections (a), (b), and (c)~~ of this Code
 1192 section and shall submit a report on its findings to the General Assembly. The ~~council~~
 1193 board shall submit its initial report on or before January 1, ~~2007~~ 2017, and shall continue
 1194 such reviews every two years thereafter. Nothing contained in such report shall be
 1195 considered to authorize or require a change in ~~the~~ such standards without action by the
 1196 General Assembly having the force and effect of law. ~~Such~~ This report shall provide
 1197 information which will allow the General Assembly to review the effectiveness of the
 1198 minimum professional standards and, if necessary, to revise ~~these~~ such standards. This
 1199 subsection shall not be interpreted to prevent the ~~council~~ board from making
 1200 recommendations to the General Assembly prior to its required review and report.

1201 ~~42-8-103:~~ 42-8-108.

- 1202 (a) Any private corporation, private enterprise, or private agency contracting to provide
 1203 probation services or any county, municipality or consolidated government entering into
 1204 an agreement under the provisions of this article shall provide to the judge with whom the
 1205 contract or agreement was made and the ~~council~~ board a quarterly report summarizing the
 1206 number of offenders under supervision; the amount of fines, statutory surcharges, and
 1207 restitution collected; the amount of fees collected and the nature of such fees, including
 1208 probation supervision fees, rehabilitation programming fees, electronic monitoring fees,
 1209 drug or alcohol detection device fees, substance abuse or mental health evaluation or
 1210 treatment fees, and drug testing fees; the number of community service hours performed
 1211 by probationers under supervision; a listing of any other service for which a probationer
 1212 was required to pay to attend; the number of offenders for whom supervision or
 1213 rehabilitation has been terminated and the reason for the termination; and the number of
 1214 warrants issued during the quarter, in such detail as the ~~council~~ board may require.

1215 Information reported pursuant to this subsection shall be annually submitted to the
 1216 governing authority that entered into such contract and thereafter be subject to disclosure
 1217 pursuant to Article 4 of Chapter 18 of Title 50. Local governments are encouraged to post
 1218 electronic copies of the annual report on the local government's website, if such website
 1219 exists.

1220 (b) All records of any private corporation, private enterprise, or private agency contracting
 1221 to provide services or of any county, municipality, or consolidated government entering
 1222 into an agreement under the provisions of this article shall be open to inspection upon the
 1223 request of the affected county, municipality, consolidated government, court, the
 1224 Department of Audits and Accounts, an auditor appointed by the affected county,
 1225 municipality, or consolidated government, Department of Corrections, Department of
 1226 Community Supervision, State Board of Pardons and Paroles, or the ~~council or its designee~~
 1227 board.

1228 ~~42-8-104.~~ 42-8-109.

1229 (a) No private corporation, private enterprise, or private agency contracting to provide
 1230 probation services under the provisions of this article nor any employees of such entities
 1231 shall engage in any other employment, business, or activity which interferes or conflicts
 1232 with the duties and responsibilities under contracts authorized in this article.

1233 (b) No private corporation, private enterprise, or private agency contracting to provide
 1234 probation services under the provisions of this article nor its employees shall have personal
 1235 or business dealings, including the lending of money, with probationers under their
 1236 supervision.

1237 (c)(1) No private corporation, private enterprise, or private agency contracting to provide
 1238 probation services under the provisions of this article nor any employees of such entities,
 1239 shall own, operate, have any financial interest in, be an instructor at, or be employed by
 1240 any private entity which provides drug or alcohol education services or offers a DUI
 1241 Alcohol or Drug Use Risk Reduction Program certified by the Department of Driver
 1242 Services.

1243 (2) No private corporation, private enterprise, or private agency contracting to provide
 1244 probation services under the provisions of this article nor any employees of such entities
 1245 shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction
 1246 Program which a probationer may or shall attend. This paragraph shall not prohibit
 1247 furnishing any probationer, upon request, with the names of certified DUI Alcohol or
 1248 Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty
 1249 of a misdemeanor.

1250 ~~42-8-105.~~ 42-8-109.1.

1251 (a) No county, municipality, or consolidated government ~~probation officer or other~~
 1252 probation office employee shall engage in any other employment, business, or activity
 1253 which interferes or conflicts with the ~~officer's or employee's~~ duties and responsibilities
 1254 under agreements authorized in this article.

1255 (b) No county, municipality, or consolidated government ~~probation officer or other~~
 1256 probation office employee shall have personal or business dealings, including the lending
 1257 of money, with probationers under the supervision of such probation office.

1258 (c)(1) No county, municipality, or consolidated government ~~probation officer or other~~
 1259 probation office employee shall own, operate, have any financial interest in, be an
 1260 instructor at, or be employed by any private entity which provides drug or alcohol
 1261 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program
 1262 certified by the Department of Driver Services.

1263 (2) No county, municipality, or consolidated government that provides probation
 1264 services through agreement under the provisions of this article nor any employees of such
 1265 shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction
 1266 Program which a probationer may or shall attend. This paragraph shall not prohibit
 1267 furnishing any probationer, upon request, with the names of certified DUI Alcohol or
 1268 Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty
 1269 of a misdemeanor.

1270 ~~42-8-106.~~ 42-8-109.2.

1271 (a) Except as provided in subsection (a) of Code Section 42-8-108 and subsection (b) of
 1272 this Code section, all AH reports, files, records, and papers of whatever kind relative to the
 1273 supervision of probationers by a private corporation, private enterprise, or private agency
 1274 contracting under the provisions of this article or by a county, municipality, or consolidated
 1275 government providing probation services under this article are declared to be confidential
 1276 and shall be available only to the affected county, municipality, or consolidated
 1277 government, or an auditor appointed by such county, municipality, or consolidated
 1278 government, the judge handling a particular case, the Department of Audits and Accounts,
 1279 Department of Corrections, Department of Community Supervision, State Board of
 1280 Pardons and Paroles, or the council or its designee board.

1281 (b)(1) Any probationer under supervision under this article shall:

1282 (A) Be provided with a written receipt and a balance statement each time he or she
 1283 makes a payment;

1284 (B) Be permitted, upon written request, to have a copy of correspondence, payment
 1285 records, and reporting history from his or her probation file, one time, and thereafter,

1286 he or she shall be required to pay a fee as set by the board; provided, however, that the
 1287 board shall promulgate rules and regulations clarifying what confidential information
 1288 may be withheld from such disclosure; and

1289 (C) Be permitted, upon written request to the board, to have a copy of the supervision
 1290 case notes from his or her probation file when the commissioner of community
 1291 supervision authorizes the release of such information in a written order; provided,
 1292 however, that the board shall promulgate rules and regulations clarifying what
 1293 confidential information may be withheld from such disclosure.

1294 (2) When a probationer claims that information is being improperly withheld from his
 1295 or her file, the probationer may file a motion with the sentencing court seeking an in
 1296 camera inspection of such file. The probationer shall serve such motion on the
 1297 prosecuting attorney and probation officer or private probation officer as appropriate.

1298 (3) The following shall be subject to disclosure pursuant to Article 4 of Chapter 18 of
 1299 Title 50:

1300 (A) The board's rules and regulations regarding contracts or agreements for the
 1301 provision of probation services;

1302 (B) The board's rules and regulations regarding the conduct of business by private
 1303 entities providing probation services as authorized by this article;

1304 (C) The board's rules and regulations regarding county, municipal, or consolidated
 1305 governments establishing probation systems as authorized by this article; and

1306 (D) The rules, regulations, operating procedures, and guidelines of any private
 1307 corporation, private enterprise, or private agency providing probation services under the
 1308 provisions of this article.

1309 ~~(b)~~(c) In the event of a transfer of the supervision of a probationer from a private
 1310 corporation, private enterprise, or private agency or county, municipality, or consolidated
 1311 government providing probation services under this article to the Department of
 1312 ~~Corrections~~ Community Supervision, the Department of ~~Corrections~~ Community
 1313 Supervision shall have access to any relevant reports, files, records, and papers of the
 1314 transferring entity. ~~All reports, files, records, and papers of whatever kind relative to the~~
 1315 ~~supervision of probationers by private corporations, private enterprises, or private agencies~~
 1316 ~~under contracts authorized by this article or by a county, municipality, or consolidated~~
 1317 ~~government providing probation services under this article shall not be subject to process~~
 1318 ~~of subpoena.~~

1319 ~~42-8-107.~~ 42-8-109.3.

1320 (a)(1) All private corporations, private enterprises, and private agencies contracting or
 1321 offering to contract for probation services shall register with the ~~council~~ board before

1322 entering into any contract to provide services. Any private corporation, private
 1323 enterprise, or private agency registered with the County and Municipal Probation
 1324 Advisory Council on or before June 30, 2015, shall be deemed registered with the board;
 1325 provided, however, that the board shall be authorized to review such contract and shall
 1326 be responsible for subsequent renewals or changes to such contract. The information
 1327 included in such registration shall include the name of the corporation, enterprise, or
 1328 agency, its principal business address and telephone number, the name of its agent for
 1329 communication, and other information in such detail as the council board may require.
 1330 No registration fee shall be required.

1331 (2) Any private corporation, private enterprise, or private agency required to register
 1332 under the provisions of paragraph (1) of this subsection which fails or refuses to do so
 1333 shall be subject to revocation of any existing contracts, in addition to any other fines or
 1334 sanctions imposed by the council board.

1335 (b)(1) All counties, municipalities, and consolidated governments agreeing or offering
 1336 to agree to establish a probation system shall register with the council board before
 1337 entering into an agreement with the court to provide services. Any county, municipality,
 1338 or consolidated government that has a probation system registered with the County and
 1339 Municipal Probation Advisory Council on or before June 30, 2015, shall be deemed
 1340 registered with the board; provided, however, that the board shall be authorized to review
 1341 such systems and shall be responsible for subsequent renewals or changes to such
 1342 systems. The information included in such registration shall include the name of the
 1343 county, municipality, or consolidated government, the principal business address and
 1344 telephone number, a contact name for communication with the council board, and other
 1345 information in such detail as the council board may require. No registration fee shall be
 1346 required.

1347 (2) Any county, municipality, or consolidated government required to register under the
 1348 provisions of paragraph (1) of this subsection which fails or refuses to do so shall be
 1349 subject to revocation of existing agreements, in addition to any other sanctions imposed
 1350 by the council board.

1351 ~~42-8-108.~~ 42-8-109.4.

1352 (a) The probation providers standards contained in this Code section shall be met by
 1353 private corporations, private enterprises, or private agencies ~~who~~ that enter into written
 1354 contracts for probation services under the authority of Code Section ~~42-8-100 on or after~~
 1355 ~~July 1, 2006~~ 42-8-101. Any private corporation, private enterprise, or private agency
 1356 which fails to meet the standards established in this subsection ~~on or after July 1, 2006,~~
 1357 shall not be eligible to provide probation services in this state. All private corporations,

1358 private enterprises, or private agencies ~~who~~ that enter into written contracts for probation
 1359 services under the authority of Code Section ~~42-8-100 on or after July 1, 2006,~~ 42-8-101
 1360 shall:

1361 (1) Register with the board;

1362 ~~(1)(2) Meet all requirements as outlined in subsection (b) of Code Section 42-8-102~~
 1363 ~~42-8-107, relating to uniform contract standards;~~

1364 ~~(2)(3) Not own or control any finance business or lending institution which makes loans~~
 1365 ~~to probationers under its supervision for the payment of probation fees or fines; and~~

1366 ~~(3)(4) Employ at least one person who is responsible for the direct supervision of private~~
 1367 ~~probation officers employed by the corporation, enterprise, or agency and who shall have~~
 1368 ~~at least five years' experience in corrections, parole, or probation services.~~

1369 (b) The standards contained in this subsection shall be met by all counties, municipalities,
 1370 or consolidated governments entering into written agreements to provide probation services
 1371 to any court under the authority of Code Section ~~42-8-100 on or after July 1, 2006~~
 1372 42-8-101. Any county, municipality, or consolidated government which fails to meet the
 1373 standards established in this subsection ~~on or after July 1, 2006,~~ shall not be eligible to
 1374 provide probation services. All counties, municipalities, or consolidated governments
 1375 which enter into written agreements to provide probation services under the authority of
 1376 Code Section ~~42-8-100 on or after July 1, 2006,~~ 42-8-101 shall:

1377 (1) Register with the council board;

1378 (2) Meet the requirements of subsection (c) of Code Section ~~42-8-102~~ 42-8-107; and

1379 (3) Employ at least one person who is responsible for the direct supervision of probation
 1380 officers ~~employed by the governing authority~~ and who shall have at least five years'
 1381 experience in corrections, parole, or probation services; ~~provided, however, that the~~
 1382 ~~five-year experience requirement shall not apply to any such supervisor employed by a~~
 1383 ~~county, municipality, or consolidated government which was engaged in the provision~~
 1384 ~~of probation services on April 15, 2006.~~

1385 42-8-109.5.

1386 Whenever a probationer is under supervision by a community supervision officer, as such
 1387 term is defined in Code Section 42-3-1, and sentenced to misdemeanor probation, the court
 1388 shall determine whether the continuing supervision shall be performed by a community
 1389 supervision officer, private probation officer, or probation officer."

1390 **PART IV**
 1391 **STATE-WIDE PROBATION SYSTEM**
 1392 **SECTION 4-1.**

1393 Said title is further amended by revising Article 2 of Chapter 8, relating to the state-wide
 1394 probation system, as follows:

1395 "ARTICLE 2

1396 42-8-20.

1397 This article shall be known and may be cited as the 'State-wide Probation Act.'

1398 42-8-21.

1399 ~~Reserved.~~

1400 As used in this article, the term:

1401 (1) 'DCS' means the Department of Community Supervision.

1402 (2) 'Officer' means a community supervision officer as defined in Code Section 42-3-1.

1403 42-8-22.

1404 There is created a state-wide probation system for felony offenders to be administered by
 1405 ~~the Department of Corrections. The probation system shall not be administered as part of~~
 1406 ~~the duties and activities of the State Board of Pardons and Paroles~~ DCS. Separate files and
 1407 records shall be kept with relation to the system.

1408 42-8-23.

1409 (a) As used in this Code section, the term 'chief ~~probation~~ officer' means the highest
 1410 ranking field ~~probation~~ officer in each judicial circuit who does not have direct supervision
 1411 of the probationer who is the subject of the hearing.

1412 (b) DCS ~~The department~~ shall administer the supervision of felony probationers.

1413 (c) If graduated sanctions have been made a condition of probation by the court and if a
 1414 probationer violates the conditions of his or her probation, other than for the commission
 1415 of a new offense, ~~the department~~ DCS may impose graduated sanctions as an alternative
 1416 to judicial modification or revocation of probation, provided that such graduated sanctions
 1417 are approved by a chief ~~probation~~ officer.

1418 (d) The failure of a probationer to comply with the graduated sanction or sanctions
 1419 imposed by ~~the department~~ DCS shall constitute a violation of probation.

1420 (e) A probationer may at any time voluntarily accept the graduated sanctions proposed by
 1421 ~~the department~~ DCS.

1422 (f)(1) DCS's ~~The department's~~ decision shall be final unless the probationer files an
 1423 appeal in the sentencing court. Such appeal shall be filed within 30 days of the issuance
 1424 of the decision by ~~the department~~ DCS.

1425 (2) Such appeal shall first be reviewed by the ~~judge~~ sentencing court upon the record.
 1426 At the ~~judge's~~ court's discretion, a de novo hearing may be held on the decision. The
 1427 filing of the appeal shall not stay ~~the department's~~ DCS's decision.

1428 (3) When the sentencing ~~judge~~ court does not act on the appeal within 30 days of the date
 1429 of the filing of the appeal, ~~the department's~~ DCS's decision shall be affirmed by operation
 1430 of law.

1431 (g) Nothing contained in this Code section shall alter the relationship between judges and
 1432 ~~probation supervisors~~ officers prescribed in this article nor be construed as repealing any
 1433 power given to any court of this state to place offenders on probation or to supervise
 1434 offenders.

1435 42-8-24.

1436 (a) As used in this Code section, the term 'split sentence' means any felony sentence that
 1437 includes a term of imprisonment followed by a term of probation.

1438 (b) It shall be the duty of ~~the department~~ DCS to supervise and direct the work of the
 1439 ~~probation supervisors~~ officers provided for in Code Section 42-8-25 and to keep accurate
 1440 files and records on all probation cases, split sentence cases, parole cases, persons released
 1441 pursuant to Code Section 17-10-1, and persons on probation under supervision. It shall be
 1442 the duty of the ~~board~~ Board of Community Supervision to promulgate rules and regulations
 1443 necessary to effectuate the purposes of this chapter.

1444 42-8-25.

1445 DCS ~~The department~~ shall employ ~~probation supervisors.~~ ~~The department~~ officers. DCS
 1446 may assign one ~~supervisor~~ officer to each judicial circuit in this state or, for purposes of
 1447 assignment, may consolidate two or more judicial circuits and assign one ~~supervisor~~ officer
 1448 thereto. In the event ~~the department~~ DCS determines that more than one ~~supervisor~~ officer
 1449 is needed for a particular circuit, ~~an additional supervisor or additional supervisors~~ officers
 1450 may be assigned to the circuit. DCS ~~The department~~ is authorized to direct any ~~probation~~
 1451 ~~supervisor~~ officer to assist any other ~~probation supervisor~~ officer wherever assigned. In
 1452 the event ~~that~~ more than one ~~supervisor~~ officer is assigned to the same office or to the same
 1453 division within a particular judicial circuit, ~~the department~~ DCS shall designate one of the
 1454 ~~supervisors~~ officers to be in charge.

1455 42-8-26.

1456 (a)(1) In order for a person to ~~hold the office of probation supervisor~~ be an officer, he or
 1457 she ~~must~~ shall be at least 21 years of age at the time of appointment and ~~must~~ shall have
 1458 completed a standard two-year college course; ~~provided that any person who is employed~~
 1459 ~~as a probation supervisor on or before July 1, 1972, shall not be required to meet the~~
 1460 ~~educational requirements specified in this Code section, nor shall he or she be prejudiced~~
 1461 ~~in any way for not possessing the requirements.~~ The qualifications provided in this Code
 1462 section are the minimum qualifications, and ~~the department~~ DCS is authorized to
 1463 prescribe such additional and higher educational qualifications from time to time as it
 1464 deems desirable, but not to exceed a four-year standard college course.

1465 (2) After January 1, 2016, in order for a person to be an officer, he or she shall complete
 1466 the basic course of training for supervision of probations and parolees certified by the
 1467 Peace Officer Standards and Training Council; provided, however, that such requirement
 1468 shall be waived if such person is a certified peace officer.

1469 (b) The compensation of ~~the probation supervisors~~ officers shall be set pursuant to the
 1470 rules of the State Personnel Board. Officers ~~Probation supervisors~~ shall also be allowed
 1471 travel and other expenses as are other state employees.

1472 (c)(1) No ~~supervisor~~ officer shall engage in any other employment, business, or activities
 1473 which interfere or conflict with his or her duties and responsibilities as ~~probation~~
 1474 ~~supervisor~~ an officer.

1475 (2) No ~~supervisor~~ officer shall own, operate, have any financial interest in, be an
 1476 instructor at, or be employed by any private entity which provides drug or alcohol
 1477 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program
 1478 certified by the Department of Driver Services.

1479 (3) No ~~supervisor~~ officer shall specify, directly or indirectly, a particular DUI Alcohol
 1480 or Drug Use Risk Reduction Program which a probationer may or shall attend. This
 1481 paragraph shall not prohibit ~~any supervisor~~ such officer from furnishing any probationer,
 1482 upon request, the names of certified DUI Alcohol or Drug Use Risk Reduction Programs.
 1483 Any ~~supervisor~~ officer violating this paragraph shall be guilty of a misdemeanor.

1484 (d) Each ~~probation supervisor~~ officer shall give bond in such amount as may be fixed by
 1485 ~~the department payable to the department~~ DCS for the use of the person or persons
 1486 damaged by his or her misfeasance or malfeasance and conditioned on the faithful
 1487 performance of his or her duties. The cost of the bond shall be paid by ~~the department~~
 1488 DCS; provided, however, that the bond may be procured, either by ~~the department~~ DCS or
 1489 by the Department of Administrative Services, under a master policy or on a group blanket
 1490 coverage basis, where only the number of positions in each judicial circuit and the amount
 1491 of coverage for each position are listed in a schedule attached to the bond; and in such case

1492 each individual shall be fully bonded and bound as principal, together with the surety, by
 1493 virtue of his or her holding the position or performing the duties of ~~probation supervisor~~
 1494 officer in the circuit or circuits, and his or her individual signature shall not be necessary
 1495 for such bond to be valid in accordance with all the laws of this state. The bond or bonds
 1496 shall be made payable to ~~the department~~ DCS.

1497 42-8-27.

1498 An officer ~~The probation supervisor~~ shall supervise and counsel probationers and parolees
 1499 in the judicial circuit to which he or she is assigned. Each ~~supervisor~~ officer shall perform
 1500 the duties prescribed in this chapter and ~~such~~ other duties as are prescribed by ~~the~~
 1501 ~~department~~ DCS and shall make and keep such any records and files and make such reports
 1502 as are required of him or her by DCS, the State Board of Pardons and Paroles, or a court.

1503 42-8-28.

1504 Officers ~~Probation supervisors~~ shall be assigned among the respective judicial circuits
 1505 based generally on the relative number of persons on probation and parole in each circuit.

1506 42-8-29.

1507 (a) It shall be the duty of the ~~probation supervisor~~ each officer to investigate all cases
 1508 referred to him or her by the court and to make ~~his~~ findings and report thereon in writing
 1509 to the court with ~~his~~ a recommendation. The superior court may require, before imposition
 1510 of sentence, a presentence investigation and written report in each felony case in which the
 1511 defendant has entered a plea of guilty or nolo contendere or has been convicted.

1512 (b) An officer ~~The probation supervisor~~ shall cause to be delivered to each person placed
 1513 on probation under his or her supervision a ~~certified~~ copy of the terms of probation and any
 1514 change or modification thereof and shall cause the person to be instructed regarding the
 1515 same. An officer ~~He~~ shall keep informed concerning the conduct, habits, associates,
 1516 employment, recreation, and whereabouts of the probationer or parolee by visits, by
 1517 requiring reports, or in other ways. ~~He shall make such reports in writing or otherwise as~~
 1518 ~~the court may require.~~ He An officer shall use all practicable and proper methods to aid
 1519 and encourage persons on probation or parole and to bring about improvements in their
 1520 conduct and condition. ~~He shall keep records on each probationer referred to him.~~

1521 42-8-29.1.

1522 (a) When a convicted person is committed to an institution under the jurisdiction of the
 1523 ~~department~~ Department of Corrections, any presentence or post-sentence investigation or
 1524 psychological evaluation compiled by a ~~probation supervisor or other probation official~~ an

1525 officer shall be forwarded to any division or office designated by the commissioner of of
 1526 corrections. Accompanying ~~this~~ such document or evaluation ~~will~~ shall be the case history
 1527 form and the criminal history sheets from the Federal Bureau of Investigation or the
 1528 Georgia Crime Information Center, if available, unless any such information has previously
 1529 been sent to the ~~department~~ Department of Corrections pursuant to Code Section 42-5-50.
 1530 A copy of ~~these same~~ such documents shall be made available for the State Board of
 1531 Pardons and Paroles. A copy of one or more of ~~these~~ such documents, based on need, may
 1532 be forwarded to another institution to which the defendant may be committed.

1533 (b) The prison or institution receiving ~~these~~ such documents shall maintain the
 1534 confidentiality of the documents and the information contained therein and shall not send
 1535 ~~them or release them,~~ release, or reveal them to any other person, institution, or agency
 1536 without the express consent of the probation unit which originated or accumulated the
 1537 documents.

1538 42-8-30.

1539 ~~In the counties where no juvenile probation system exists, juvenile offenders, upon~~
 1540 ~~direction of the court, shall be supervised by probation supervisors. Other than in this~~
 1541 ~~respect, nothing in this article shall be construed to change or modify any law relative to~~
 1542 ~~probation as administered by any juvenile court in this state.~~

1543 ~~42-8-30.1:~~

1544 In any county where the chief judge of the superior court, state court, municipal court,
 1545 probate court, or magistrate court has provided for probation services for such court
 1546 through agreement with a private corporation, enterprise, or agency or has established a
 1547 county or municipal probation system for such court pursuant to ~~Code Section 42-8-100~~
 1548 Article 6 of this chapter, the provisions of this article relating to probation supervision
 1549 services shall not apply to defendants sentenced in any such court.

1550 42-8-31.

1551 No ~~probation supervisor~~ officer shall collect or disburse any funds whatsoever, except by
 1552 written order of the court; and it shall be the duty of the supervisor officer to transmit a
 1553 copy of ~~the~~ such order to ~~the department~~ DCS not later than 15 days after it has been issued
 1554 by the court. Every supervisor officer who collects or disburses any funds whatsoever shall
 1555 faithfully keep the records of accounts as are required by ~~the department~~ DCS, which
 1556 records shall be subject to inspection by ~~the department~~ DCS at any time. In every instance
 1557 ~~where~~ when a bank account is required, it shall be kept in the name of the 'State Probation
 1558 Office.' Department of Community Supervision.

1559 42-8-32.

1560 No ~~probation supervisor~~ officer shall be directed to collect any funds other than funds
1561 directed to be paid as the result of a criminal proceeding.

1562 42-8-33.

1563 (a) ~~DCS The department~~ shall make periodic audits of each ~~probation supervisor~~ officer
1564 who, by virtue of ~~his~~ the officer's duties, has any moneys, fines, court costs, property, or
1565 other funds coming into ~~his~~ the officer's control or possession or being disbursed by ~~him~~.
1566 ~~The department~~ such officer. ~~DCS~~ shall keep a permanent record of the audit of each
1567 ~~probation supervisor's~~ officer's accounts on file. It shall be the duty of the employee of ~~the~~
1568 ~~department~~ DCS conducting the audit to notify ~~the department~~ DCS in writing of any
1569 discrepancy of an illegal nature that might result in prosecution. ~~DCS The department~~ shall
1570 have the right to interview and make inquiry of certain selected payors or recipients of
1571 funds, as it may choose, without notifying the ~~probation supervisor~~ officer, to carry out the
1572 purposes of the audit. The employee who conducts the audit shall be required to give bond
1573 in such amount as may be set by ~~the department~~ DCS, in the same manner and for the same
1574 purposes as provided under Code Section 42-8-26 for the bonds of ~~probation supervisors~~
1575 officers. The bond shall bind the employee and ~~his~~ the employee's surety in the
1576 performance of ~~his~~ the employee's duties.

1577 (b) Any overpayment of fines, restitutions, or other moneys owed as a condition of
1578 probation shall not be refunded to the probationer if the amount of ~~such~~ the overpayment
1579 is less than \$5.00.

1580 42-8-34.

1581 (a) Any court of this state which has original jurisdiction of criminal actions, except
1582 ~~juvenile courts~~, municipal courts; and probate courts, in which the defendant in a criminal
1583 case has been found guilty upon verdict or plea or has been sentenced upon a plea of nolo
1584 contendere, except for an offense punishable by death or life imprisonment, may, at a time
1585 to be determined by the court, hear and determine the question of the probation of such
1586 defendant.

1587 (b) Prior to the sentencing hearing, the court may refer the case to ~~the probation supervisor~~
1588 an officer of the circuit in which the court is located for investigation and recommendation.
1589 The court, upon such reference, shall direct ~~the supervisor~~ an officer to make an
1590 investigation and to report to the court, in writing at a specified time, upon the
1591 circumstances of the offense and the criminal record, social history, and present condition
1592 of the defendant, together with the ~~supervisor's~~ officer's recommendation; and it shall be
1593 the duty of ~~the supervisor~~ such officer to carry out the directive of the court.

1594 (c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f)
1595 of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the
1596 defendant is not likely to engage in a criminal course of conduct and that the ends of justice
1597 and the welfare of society do not require that the defendant shall presently suffer the
1598 penalty imposed by law, the court in its discretion shall impose sentence upon the
1599 defendant but may stay and suspend the execution of the sentence or any portion thereof
1600 or may place him or her on probation under the supervision and control of the ~~probation~~
1601 ~~supervisor officer~~ for the duration of ~~such probation~~ the sentence. The period of probation
1602 or suspension shall not exceed the maximum sentence of confinement which could be
1603 imposed on the defendant.

1604 (d)(1) In every case that a court of this state or any other state sentences a defendant to
1605 probation or any pretrial release or diversion program under the supervision of ~~the~~
1606 ~~department~~ DCS, in addition to any fine or order of restitution imposed by the court, there
1607 shall be imposed a probation fee as a condition of probation, release, or diversion in the
1608 amount equivalent to \$23.00 per each month under supervision, and in addition, a
1609 one-time fee of \$50.00 ~~where~~ if such defendant was convicted of any felony. The
1610 probation fee may be waived or amended after administrative process by ~~the department~~
1611 DCS and approval of the court, or upon determination by the court, as to the undue
1612 hardship, inability to pay, or any other extenuating factors which prohibit collection of
1613 the fee; provided, however, that the imposition of sanctions for failure to pay fees shall
1614 be within the discretion of the court through judicial process or hearings. Probation fees
1615 shall be waived on probationers incarcerated or detained in a ~~departmental~~ Department
1616 of Corrections or other confinement facility which prohibits employment for wages. All
1617 probation fees collected by ~~the department~~ DCS shall be paid into the general fund of the
1618 state treasury, except as provided in subsection (f) of Code Section 17-15-13, relating to
1619 sums to be paid into the Georgia Crime Victims Emergency Fund. Any fees collected by
1620 the court under this paragraph shall be remitted not later than the last day of the month
1621 after such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority
1622 for deposit into the general fund of the state treasury.

1623 (2) In addition to any other provision of law, any person convicted of a violation of Code
1624 Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to
1625 probation or a suspended sentence by a municipal, magistrate, probate, recorder's,
1626 mayor's, state, or superior court shall also be required by the court to pay a one-time fee
1627 of \$25.00. The clerk of court, or if there is no clerk the person designated to collect fines,
1628 fees, and forfeitures for such court, shall collect such fee and remit the same not later than
1629 the last day of the month after such fee is collected to the Georgia Superior Court Clerks'
1630 Cooperative Authority for deposit into the general fund of the state treasury.

1631 (3) In addition to any fine, fee, restitution, or other amount ordered, the sentencing court
 1632 may also impose as a condition of probation for felony criminal defendants sentenced to
 1633 a day reporting center an additional charge, not to exceed \$10.00 per day for each day
 1634 such defendant is required to report to a day reporting center; provided, however, that no
 1635 fee shall be imposed or collected if the defendant is unemployed or has been found
 1636 indigent by the sentencing court. The charges required by this paragraph shall be paid
 1637 by the probationer directly to ~~the department~~ DCS. Funds collected by ~~the department~~
 1638 DCS pursuant to this subsection shall only be used by ~~the department~~ DCS in the
 1639 maintenance and operation of the day reporting center program.

1640 (e) The court may, in its discretion, require the payment of a fine or costs, or both, as a
 1641 condition ~~precedent to~~ of probation.

1642 (f) During the interval between the conviction or plea and the hearing to determine the
 1643 question of probation, the court may, in its discretion, either order the confinement of the
 1644 defendant without bond or may permit his or her release on bond, which bond shall be
 1645 conditioned on his appearance at the hearing and shall be subject to the same rules as
 1646 govern appearance bonds. Any time served in confinement shall be considered a part of
 1647 the sentence of the defendant.

1648 (g) The sentencing judge shall not lose jurisdiction over any person placed on probation
 1649 during the term of the person's probated sentence. The judge is empowered to revoke any
 1650 or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed
 1651 advisable by the judge, modify or change the probated sentence, including ordering the
 1652 probationer into the sentencing options system, as provided in Article ~~9 of this chapter~~ 6
 1653 of Chapter 3 of this title, at any time during the period of time prescribed for the probated
 1654 sentence to run. In addition, when the judge is considering revoking a probated sentence
 1655 in order to require the defendant to enter a drug court division, mental health court division,
 1656 or veterans court division and the length of the original sentence is insufficient to authorize
 1657 such revocation, the defendant may voluntarily agree to an extension of his or her original
 1658 sentence within the maximum sentence allowed by law, notwithstanding subsection (f) of
 1659 Code Section 17-10-1. Such extension shall be for a period not to exceed three years, and
 1660 upon completion of such specific court division program, the court may modify the terms
 1661 of probation in accordance with subparagraph (a)(5)(A) of Code Section 17-10-1.

1662 (h) ~~If Notwithstanding any provision of this Code or any rule or regulation to the contrary,~~
 1663 if a defendant is placed on probation in a county of a judicial circuit other than the one in
 1664 which ~~he~~ such defendant resides for committing any misdemeanor offense, such defendant
 1665 may, when specifically ordered by the court, have ~~his~~ probation supervision transferred to
 1666 the judicial circuit of the county in which ~~he~~ the defendant resides.

1667 42-8-34.1.

1668 (a) For the purposes of this Code section, the term 'special condition of probation or
1669 suspension of the sentence' means a condition of a probated or suspended sentence which:

1670 (1) Is expressly imposed as part of the sentence in addition to general conditions of
1671 probation and court ordered fines and fees; and

1672 (2) Is identified in writing in the sentence as a condition the violation of which authorizes
1673 the court to revoke the probation or suspension and require the defendant to serve up to
1674 the balance of the sentence in confinement.

1675 (b) A court may not revoke any part of any probated or suspended sentence unless the
1676 defendant admits the violation as alleged or unless the evidence produced at the revocation
1677 hearing establishes by a preponderance of the evidence the violation or violations alleged.

1678 (c) At any revocation hearing, upon proof that the defendant has violated any general
1679 provision of probation or suspension other than by commission of a new felony offense,
1680 the court shall consider the use of alternatives to include community service, ~~intensive~~
1681 ~~probation~~, diversion centers, probation detention centers, special alternative incarceration,
1682 or any other alternative to confinement deemed appropriate by the court or as provided by
1683 the state or county. In the event the court determines that the defendant does not meet the
1684 criteria for ~~said~~ such alternatives, the court may revoke the balance of probation or not
1685 more than two years in confinement, whichever is less.

1686 (d) If the violation of probation or suspension alleged and proven by a preponderance of
1687 the evidence or the defendant's admission is the commission of a felony offense, the court
1688 may revoke no more than the lesser of the balance of probation or the maximum time of
1689 the sentence authorized to be imposed for the felony offense constituting the violation of
1690 the probation. For purposes of this Code section, the term 'felony offense' means:

1691 (1) A felony offense;

1692 (2) A misdemeanor offense committed in another state on or after July 1, 2010, the
1693 elements of which are proven by a preponderance of evidence showing that such offense
1694 would constitute a felony if the act had been committed in this state; or

1695 (3) A misdemeanor offense committed in another state on or after July 1, 2010, that is
1696 admitted to by the defendant who also admits that such offense would be a felony if the
1697 act had been committed in this state.

1698 (e) If the violation of probation or suspension alleged and proven by a preponderance of
1699 the evidence or the defendant's admission is the violation of a special condition of
1700 probation or suspension of the sentence, the court may revoke the probation or suspension
1701 of the sentence and require the defendant to serve the balance or portion of the balance of
1702 the original sentence in confinement.

1703 (f) The payment of restitution or reparation, costs, or fines ordered by the court may be
 1704 payable in one lump sum or in periodic payments, as determined by the court after
 1705 consideration of all the facts and circumstances of the case and of the defendant's ability
 1706 to pay. Such payments shall, in the discretion of the sentencing judge, be made either to
 1707 the clerk of the sentencing court or, if the sentencing court is a probate court, state court,
 1708 or superior court, to the ~~probation~~ DCS office serving ~~said~~ such court.

1709 (g) In no event shall an offender be supervised on probation for more than a total of two
 1710 years for any one offense or series of offenses arising out of the same transaction, whether
 1711 before or after confinement, except as provided by paragraph (2) of subsection (a) of Code
 1712 Section 17-10-1 and subsection (g) of Code Section 42-8-34.

1713 42-8-34.2.

1714 (a) In the event that a defendant is delinquent in the payment of fines, costs, or restitution
 1715 or reparation, as was ordered by the court as a condition of probation, the defendant's
 1716 ~~probation~~ officer is shall be authorized, but shall not be required, to execute a sworn
 1717 affidavit wherein the amount of arrearage is set out. In addition, the affidavit shall contain
 1718 a succinct statement as to what efforts ~~the department~~ DCS has made in trying to collect
 1719 the delinquent amount. The affidavit shall then be submitted to the sentencing court for
 1720 approval. Upon signature and approval of the court, ~~said~~ such arrearage shall then be
 1721 collectable through issuance of a writ of fieri facias by the clerk of the sentencing court;
 1722 and ~~the department~~ DCS may enforce such collection through any judicial or other process
 1723 or procedure which may be used by the holder of a writ of execution arising from a civil
 1724 action.

1725 (b) This Code section provides the state with remedies in addition to all other remedies
 1726 provided for by law; and nothing in this Code section shall preclude the use of any other
 1727 or additional remedy in any case.

1728 (c) No clerk of any court shall be authorized to require any deposit of cost or any other
 1729 filing or service fee as a condition to the filing of a garnishment action or other action or
 1730 proceeding authorized under this Code section. In any such action or proceeding, however,
 1731 the clerk of the court in which the action is filed shall deduct and retain all proper court
 1732 costs from any funds paid into the treasury of the court, prior to any other disbursement of
 1733 such funds so paid into court.

1734 42-8-35.

1735 (a) The court shall determine the terms and conditions of probation and may provide that
 1736 the probationer shall:

1737 (1) Avoid injurious and vicious habits;

- 1738 (2) Avoid persons or places of disreputable or harmful character;
- 1739 (3) Report to the ~~probation supervisor~~ officer as directed;
- 1740 (4) Permit the ~~supervisor~~ officer to visit the probationer at the probationer's home or
1741 elsewhere;
- 1742 (5) Work faithfully at suitable employment insofar as may be possible;
- 1743 (6) Remain within a specified location; provided, however, that the court shall not banish
1744 a probationer to any area within ~~the~~ this state:
- 1745 (A) That does not consist of at least one entire judicial circuit as described by Code
1746 Section 15-6-1; or
- 1747 (B) In which any service or program in which the probationer must participate as a
1748 condition of probation is not available;
- 1749 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused
1750 by the probationer's offense, in an amount to be determined by the court. Unless
1751 otherwise provided by law, no reparation or restitution to any aggrieved person for the
1752 damage or loss caused by the probationer's offense shall be made if the amount is in
1753 dispute unless the same has been adjudicated;
- 1754 (8) Make reparation or restitution as reimbursement to a municipality or county for the
1755 payment for medical care furnished the person while incarcerated pursuant to the
1756 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
1757 governmental unit for the provision of medical care shall be made if the amount is in
1758 dispute unless the same has been adjudicated;
- 1759 (9) Repay the costs incurred by any municipality or county for wrongful actions by an
1760 inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section
1761 42-4-71;
- 1762 (10) Support the probationer's legal dependents to the best of the probationer's ability;
- 1763 (11) Violate no local, state, or federal laws and be of general good behavior;
- 1764 (12) If permitted to move or travel to another state, agree to waive extradition from any
1765 jurisdiction where the probationer may be found and not contest any effort by any
1766 jurisdiction to return the probationer to this state;
- 1767 (13) Submit to evaluations and testing relating to rehabilitation and participate in and
1768 successfully complete rehabilitative programming as directed by ~~the department~~ DCS;
- 1769 (14) Wear a device capable of tracking the location of the probationer by means
1770 including electronic surveillance or global positioning satellite systems. DCS ~~The~~
1771 ~~department~~ shall assess and collect fees from the probationer for such monitoring at
1772 levels set by regulation ~~by the department~~ of the Board of Community Supervision;
- 1773 (15) Complete a residential or nonresidential program for substance abuse or mental
1774 health treatment as indicated by a risk and needs assessment;

1775 (16) Agree to the imposition of graduated sanctions when, in the discretion of the
 1776 ~~probation supervisor~~ officer, the probationer's behavior warrants a graduated sanction;
 1777 and

1778 (17) Pay for the cost of drug screening. ~~DCS The Department of Corrections~~ shall assess
 1779 and collect fees from the probationer for such screening at levels set by regulation of the
 1780 ~~Department of Corrections~~ Board of Community Supervision.

1781 (b) In determining the terms and conditions of probation for a probationer who has been
 1782 convicted of a criminal offense against a victim who is a minor or dangerous sexual offense
 1783 as those terms are defined in Code Section 42-1-12, the court may provide that the
 1784 probationer shall be:

1785 (1) Prohibited from entering or remaining present at a victim's school, place of
 1786 employment, place of residence, or other specified place at times when a victim is present
 1787 or from loitering in areas where minors congregate, child care facilities, churches, or
 1788 schools as those terms are defined in Code Section 42-1-12;

1789 (2) Required, either in person or through remote monitoring, to allow viewing and
 1790 recording of the probationer's incoming and outgoing e-mail, history of websites visited
 1791 and content accessed, and other Internet based communication;

1792 (3) Required to have periodic unannounced inspections of the contents of the
 1793 probationer's computer or any other device with Internet access, including the retrieval
 1794 and copying of all data from the computer or device and any internal or external storage
 1795 or portable media and the removal of such information, computer, device, or medium;
 1796 and

1797 (4) Prohibited from seeking election to a local board of education.

1798 (c) The supervision provided for under subsection (b) of this Code section shall be
 1799 conducted by a ~~probation~~ an officer, law enforcement officer, or computer information
 1800 technology specialist working under the supervision of a ~~probation~~ an officer or law
 1801 enforcement agency.

1802 42-8-35.1.

1803 (a) Notwithstanding ~~In addition to~~ any other terms or conditions of probation ~~provided for~~
 1804 ~~under this chapter, the trial judge~~ which may be imposed, a court may provide that
 1805 probationers sentenced for felony offenses ~~committed on or after July 1, 1993~~, to a period
 1806 of time of not less than one year on probation as a condition of probation ~~must~~ shall
 1807 satisfactorily complete a program of confinement in a 'special alternative
 1808 incarceration—probation boot camp' unit of the ~~department~~ Department of Corrections for
 1809 a period of 120 days computed from the time of initial confinement in the unit; provided,

1810 however, ~~the department~~ that the Department of Corrections may release the defendant
 1811 upon service of 90 days in recognition of excellent behavior.

1812 (b) Before a court ~~can~~ may place ~~this~~ such condition upon the sentence, an initial
 1813 investigation ~~will~~ shall be completed by the ~~probation~~ officer which ~~will indicate~~ indicates
 1814 that the probationer is qualified for such treatment in that the individual does not appear
 1815 to be physically or mentally disabled in a way that would prevent him or her from
 1816 strenuous physical activity, that the individual has no obvious contagious diseases, that the
 1817 individual is not less than 17 years of age nor more than 30 years of age at the time of
 1818 sentencing, and that the ~~department~~ Department of Corrections has granted provisional
 1819 approval of the placement of the individual in the 'special alternative
 1820 incarceration—probation boot camp' unit.

1821 (c) In every case ~~where~~ when an individual is sentenced under the terms of this Code
 1822 section, the sentencing court shall, within its probation order, direct the ~~department~~
 1823 Department of Corrections to arrange with the sheriff's office in the county of incarceration
 1824 to have the individual delivered to a designated unit of the ~~department~~ Department of
 1825 Corrections within a specific date not more than 15 days after the issuance of such
 1826 probation order by the court.

1827 (d) At any time during the individual's confinement in the unit, but at least five days prior
 1828 to his or her expected date of release, the ~~department~~ Department of Corrections shall
 1829 certify to the trial court as to whether the individual has satisfactorily completed ~~this~~ the
 1830 condition of probation provided in subsection (a) of this Code section.

1831 (e) Upon the receipt of a satisfactory report of performance in the program from the
 1832 ~~department~~ Department of Corrections, the trial court shall release the individual from
 1833 confinement in the 'special alternative incarceration—probation boot camp' unit. However,
 1834 the receipt of an unsatisfactory report ~~will~~ shall be grounds for revocation of the probated
 1835 sentence as would any other violation of a condition or term of probation.

1836 (f) The satisfactory report of performance in the program from the ~~department~~ Department
 1837 of Corrections shall, in addition to the other requirements specified in this Code section,
 1838 require participation of the individual confined in the unit in such adult education courses
 1839 necessary to attain the equivalency of a grade five competency level as established by the
 1840 State Board of Education for elementary schools. Those individuals who are mentally
 1841 disabled as determined by initial testing ~~are~~ shall be exempt from mandatory participation.
 1842 After the individual is released from the unit, it shall be a special condition of probation
 1843 that the individual participate in an education program in the community until grade five
 1844 level competency is achieved or active probation supervision terminates. It shall be the
 1845 duty of the ~~department~~ Department of Corrections to certify to the trial court that such
 1846 individual has satisfactorily completed ~~this~~ such condition of probation while on active

1847 probation supervision. The receipt of an unsatisfactory report may be grounds for
1848 revocation of the probated sentence as would any other violation of a condition or term of
1849 probation. Under certain circumstances, the probationer may be exempt from this
1850 requirement if it is determined by the ~~probation~~ officer that community education resources
1851 are inaccessible to the probationer.

1852 42-8-35.2.

1853 (a) Notwithstanding any other provisions of law, the court, when imposing a sentence of
1854 imprisonment after a conviction of a violation of subsection (b) or (d) of Code Section
1855 16-13-30 or after a conviction of a violation of Code Section 16-13-31, shall impose a
1856 special term of probation of three years in addition to such term of imprisonment; provided,
1857 however, that upon a second or subsequent conviction of a violation of the provisions of
1858 such Code sections ~~as stated in this subsection~~, the special term of probation shall be six
1859 years in addition to any term of imprisonment.

1860 (b) A special term of probation imposed under this Code section may be revoked if the
1861 terms and conditions of probation are violated. In such circumstances the original term of
1862 imprisonment shall be increased by the period of the special term of probation and the
1863 resulting new term of imprisonment shall not be diminished by the time which was spent
1864 on special probation. A person whose special term of probation has been revoked may be
1865 required to serve all or part of the remainder of the new term of imprisonment. A special
1866 term of probation provided for in this Code section shall be in addition to, and not in lieu
1867 of, any other probation provided for by law and shall be supervised in the same manner as
1868 other probations as provided in this chapter.

1869 (c) Upon written application by the probationer to the trial court, the court may, in its
1870 discretion, suspend the balance of any special term of probation, provided that at least
1871 one-half of ~~said~~ such special term of probation has been completed and all fines associated
1872 with the original sentence have been paid and all other terms of the original sentence and
1873 the terms of the special probation have been met by the probationer.

1874 42-8-35.3.

1875 Notwithstanding any other terms or conditions of probation which may be imposed, a court
1876 sentencing a defendant to probation for a violation of Code Section 16-5-90 or 16-5-91
1877 may impose one or more of the following conditions on such probation:

- 1878 (1) Prohibit the defendant from engaging in conduct in violation of Code Section 16-5-90
1879 or 16-5-91;
- 1880 (2) Require the defendant to undergo a mental health evaluation and, if it is determined
1881 by the court from the results of such evaluation that the defendant is in need of treatment

1882 or counseling, require the defendant to undergo mental health treatment or counseling by
 1883 a court approved mental health professional, mental health facility, or facility of the
 1884 Department of Behavioral Health and Developmental Disabilities. Unless the defendant
 1885 is indigent, the cost of any such treatment shall be borne by the defendant; or

1886 (3) Prohibit the defendant from entering or remaining present at the victim's school,
 1887 place of employment, or other specified places at times when the victim is present.

1888 42-8-35.4.

1889 (a) ~~Notwithstanding In addition to~~ any other terms and conditions of probation ~~provided~~
 1890 ~~for in this article, the trial judge~~ which may be imposed, a court may require that a
 1891 defendant convicted of a felony and sentenced to a period of not less than one year on
 1892 probation or a defendant who has been previously sentenced to probation for a forcible
 1893 misdemeanor as defined in paragraph (7) of Code Section 16-1-3 or a misdemeanor of a
 1894 high and aggravated nature and has violated probation or other probation alternatives and
 1895 is subsequently sentenced to a period of not less than one year on probation shall complete
 1896 satisfactorily, as a condition of ~~that~~ such probation, a program of confinement, not to
 1897 exceed 180 days, in a probation detention center. Probationers so sentenced shall be
 1898 required to serve the period of confinement, not to exceed 180 days, specified in the court
 1899 order.

1900 (b) The court shall determine that the defendant is at least 17 years of age at the time of
 1901 sentencing.

1902 (c) During the period of confinement, the ~~department~~ Department of Corrections may
 1903 transfer the probationer to other facilities in order to provide needed physical and mental
 1904 health care or for other reasons essential to the care and supervision of the probationer or
 1905 as necessary for the effective administration and management of its facilities.

1906 42-8-35.5.

1907 (a) ~~Notwithstanding In addition to~~ any other terms and conditions of probation ~~provided~~
 1908 ~~in this article, the trial judge~~ which may be imposed, a court may require that probationers
 1909 sentenced to a period of not less than one year on probation shall satisfactorily complete,
 1910 as a condition of ~~that~~ such probation, a program in a probation diversion center.
 1911 Probationers so sentenced ~~will~~ shall be required to serve a period of confinement as
 1912 specified in the court order, which confinement period shall be computed from the date of
 1913 initial confinement in the diversion center.

1914 (b) The court shall determine that the defendant is at least 17 years of age at the time of
 1915 sentencing, is capable both physically and mentally of maintaining paid employment in the
 1916 community, and does not unnecessarily jeopardize the safety of the community.

1917 (c) The ~~department~~ Department of Corrections may assess and collect room and board fees
 1918 from diversion center program participants at a level set by the ~~department~~ Department of
 1919 Corrections.

1920 42-8-35.6.

1921 (a) Notwithstanding any other terms or conditions of probation which may be imposed,
 1922 a court sentencing a defendant to probation for an offense involving family violence as
 1923 such term is defined in Code Section 19-13-10 shall require as a condition of probation that
 1924 the defendant participate in a family violence intervention program certified pursuant to
 1925 Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record
 1926 why participation in such a program is not appropriate.

1927 (b) A court, in addition to imposing any penalty provided by law, when revoking a
 1928 defendant's probation for an offense involving family violence as defined by Code Section
 1929 19-13-10, or when imposing a protective order against family violence, shall order the
 1930 defendant to participate in a family violence intervention program certified pursuant to
 1931 Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record
 1932 why participation in such program is not appropriate.

1933 (c) The State Board of Pardons and Paroles, for a violation of parole for an offense
 1934 involving family violence as defined by Code Section 19-13-10, shall require the
 1935 conditional releasee to participate in a family violence intervention program certified
 1936 pursuant to Article 1A of Chapter 13 of Title 19, unless the State Board of Pardons and
 1937 Paroles determines why participation in such a program is not appropriate.

1938 (d) Unless the defendant is indigent, the cost of the family violence intervention program
 1939 as provided by this Code section shall be borne by the defendant. If the defendant is
 1940 indigent, then the cost of the program shall be determined by a sliding scale based upon the
 1941 defendant's ability to pay.

1942 42-8-35.7.

1943 Unless the court or State Board of Pardons and Paroles has ordered more frequent ~~such~~
 1944 screenings, ~~it shall be the duty of each probation supervisor to administer or have~~
 1945 ~~administered a drug and alcohol screening not less than once every 60 days to any person~~
 1946 ~~who is placed on probation and who, as a condition of such probation, is required to~~
 1947 ~~undergo regular, random drug and alcohol screenings, provided that the drug and alcohol~~
 1948 ~~screenings required by this Code section shall be performed only to the extent that~~
 1949 ~~necessary funds therefor are appropriated in the state budget~~ drug and alcohol screenings
 1950 shall be administered in accordance with DCS rules and regulations.

1951 42-8-36.

1952 (a)(1) It shall be the duty of a probationer, as a condition of probation, to keep his or her
 1953 ~~probation supervisor~~ officer informed as to his or her residence. Upon the
 1954 recommendation of the ~~probation supervisor~~ officer, the court may also require, as a
 1955 condition of probation and under such terms as the court deems advisable, that the
 1956 probationer keep the ~~probation supervisor~~ officer informed as to his or her whereabouts.

1957 (2) The running of a probated sentence shall be tolled upon:

1958 (A) The failure of a probationer to report to his or her ~~probation supervisor~~ officer as
 1959 directed or failure to appear in court for a probation revocation hearing; either of such
 1960 failures may be evidenced by an affidavit from the ~~probation supervisor~~ officer setting
 1961 forth such failure; or

1962 (B) The filing of a return of non est inventus or other return to a warrant, for the
 1963 violation of the terms and conditions of probation, that the probationer cannot be found
 1964 in the county that appears from the records of the ~~probation supervisor~~ officer to be the
 1965 probationer's county of residence. Any officer authorized by law to issue or serve
 1966 warrants may return the warrant for the absconded probationer showing non est
 1967 inventus.

1968 (3) The effective date of the tolling of the sentence shall be the date the court enters a
 1969 tolling order and shall continue until the probationer shall personally report to the
 1970 ~~probation supervisor~~ officer, is taken into custody in this state, or is otherwise available
 1971 to the court.

1972 (4) Any tolled period of time shall not be included in computing creditable time served
 1973 on probation or as any part of the time that the probationer was sentenced to serve.

1974 (b) Any unpaid fines, restitution, or any other moneys owed as a condition of probation
 1975 shall be due when the probationer is arrested; but, if the entire balance of his or her
 1976 probation is revoked, all the conditions of probation, including moneys owed, shall be
 1977 negated by ~~his~~ the probationer's imprisonment. If only part of the balance of the probation
 1978 is revoked, the probationer shall still be responsible for the full amount of the unpaid fines,
 1979 restitution, and other moneys upon his or her return to probation after release from
 1980 imprisonment.

1981 42-8-37.

1982 (a) Upon the termination of the probated portion of a sentence, the probationer shall be
 1983 released from probation and shall not be liable to sentence for the crime for which
 1984 probation was allowed; provided, however, that the foregoing shall not be construed to
 1985 prohibit the conviction and sentencing of the probationer for the subsequent commission

1986 of the same or a similar offense or for the subsequent continuation of the offense for which
 1987 he or she was previously sentenced.

1988 (b) The court may at any time cause the probationer to appear before it to be admonished
 1989 or commended and, when satisfied that its action would be for the best ~~interests~~ interest of
 1990 justice and the welfare of society, may discharge the probationer from further supervision.

1991 (c) The case of each person receiving a probated sentence of more than two years shall be
 1992 reviewed by the ~~probation supervisor~~ officer responsible for ~~that~~ such case after service of
 1993 two years on probation, and a written report of the probationer's progress shall be submitted
 1994 to the sentencing court along with the ~~supervisor's~~ officer's recommendation as to early
 1995 termination. Each such case shall be reviewed and a written report submitted annually
 1996 thereafter until the termination, expiration, or other disposition of the case.

1997 42-8-38.

1998 (a) Whenever, within the period of probation, a ~~probation supervisor~~ an officer believes
 1999 that a probationer under his or her supervision has violated ~~his or her~~ the terms of probation
 2000 in a material respect, if graduated sanctions have been made a condition of probation by
 2001 the court, the ~~probation supervisor~~ officer may impose graduated sanctions as set forth in
 2002 Code Section 42-8-23 to address the specific conduct leading to such violation or, if the
 2003 circumstances warrant, may arrest the probationer without warrant, wherever found, and
 2004 return the probationer to the court granting the probation or, if under supervision in a
 2005 county or judicial circuit other than that of conviction, to a court of equivalent original
 2006 criminal jurisdiction within the county wherein the probationer resides for purposes of
 2007 supervision. Any officer authorized by law to issue warrants may issue a warrant for the
 2008 arrest of the probationer upon the affidavit of one having knowledge of the alleged
 2009 violation, returnable forthwith before the court in which revocation proceedings are being
 2010 brought.

2011 (b) The court, upon the probationer being brought before it, may commit ~~him~~ the
 2012 probationer or release ~~him~~ the probationer with or without bail to await further hearing, or
 2013 it may dismiss the charge. If the charge is not dismissed at this time, the court shall give
 2014 the probationer an opportunity to be heard fully at the earliest possible date on his or her
 2015 own behalf, in person or by counsel, provided that, if the revocation proceeding is in a
 2016 court other than the court of the original criminal conviction, the sentencing court shall be
 2017 given ten days' written notice prior to a hearing on the merits.

2018 (c) After the hearing, the court may revoke, modify, or continue the probation. If the
 2019 probation is revoked, the court may order the execution of the sentence originally imposed
 2020 or of any portion thereof. In such event, the time that the defendant has served under

2021 probation shall be considered as time served and shall be deducted from and considered a
 2022 part of the time he or she was originally sentenced to serve.

2023 (d) In cases where the probation is revoked in a county other than the county of original
 2024 conviction, the clerk of court in the county revoking probation may record the order of
 2025 revocation in the ~~judge's minute docket~~ minutes of the court, which recordation shall
 2026 constitute sufficient permanent record of the proceedings in ~~that~~ such court. The clerk shall
 2027 send ~~one copy~~ copies of the order revoking probation to ~~the department~~ DCS and the
 2028 Department of Corrections to serve as a temporary commitment and shall send the original
 2029 order revoking probation and all other papers pertaining thereto to the county of original
 2030 conviction to be filed with the original records. The clerk of court of the county of original
 2031 conviction shall then issue a formal commitment to the ~~department~~ Department of
 2032 Corrections.

2033 42-8-39.

2034 In all criminal cases in which the defendant is found guilty or in which a plea of guilty or
 2035 of nolo contendere is entered and in which the ~~trial judge~~ court after imposing sentence
 2036 further provides that the execution of the sentence shall be suspended, such provision shall
 2037 not have the effect of placing the defendant on probation as provided in this article.

2038 42-8-40.

2039 ~~(a) Except as provided in subsection (b) of this Code section, all~~ All reports, files, records,
 2040 and ~~papers~~ information of whatever kind relative to the ~~state-wide probation system~~
 2041 supervision of probationers and parolees are declared to be confidential and shall be
 2042 available only to the probation system officials, ~~and to the judge handling a particular case:~~
 2043 They, the Board of Community Supervision, DCS, the Department of Corrections, the
 2044 Department of Juvenile Justice, and the State Board of Pardons and Paroles, as appropriate.
 2045 Such reports, files, records, and information shall not be subject to process of subpoena:
 2046 ~~However, the commissioner; provided, however, that the commissioner of community~~
 2047 supervision may by written order declassify any such records.

2048 ~~(b) Supervision records of the State Board of Pardons and Paroles may be made available~~
 2049 ~~to officials employed with the state-wide probation system, provided that the same shall~~
 2050 ~~remain confidential and not available to any other person or subject to subpoena unless~~
 2051 ~~declassified by the State Board of Pardons and Paroles.~~

2052 42-8-41.

2053 All state and local departments, agencies, boards, bureaus, commissions, and committees
 2054 shall cooperate with ~~the probation officials~~ officers.

2055 42-8-42.

2056 DCS ~~The department~~ may provide office space and clerical help wherever needed. The
 2057 counties of this state shall cooperate in this respect and, wherever possible, shall furnish
 2058 office space if needed.

2059 ~~42-8-43:~~

2060 ~~Except as otherwise provided by law, any county probation system in existence on~~
 2061 ~~February 8, 1956, shall not be affected by the passage of this article, regardless of whether~~
 2062 ~~the law under which the system exists is specifically repealed by this article. The personnel~~
 2063 ~~of the system shall continue to be appointed and employed under the same procedure as~~
 2064 ~~used prior to February 8, 1956, and the system shall be financed under the same method~~
 2065 ~~as it was financed prior to February 8, 1956. However, the substantive provisions of this~~
 2066 ~~article relative to probation shall be followed, and to this end any probation officer of such~~
 2067 ~~system shall be deemed to be the same as a probation supervisor, with the probation~~
 2068 ~~supervisor assigned by the department serving in a liaison capacity between the county~~
 2069 ~~probation system and the department.~~

2070 ~~42-8-43.1.~~

2071 ~~(a) This Code section shall apply to county probation systems of all counties of this state~~
 2072 ~~having a population of 400,000 or more according to the United States decennial census~~
 2073 ~~of 1980 or any future such census, any provision of Code Section 42-8-43 to the contrary~~
 2074 ~~notwithstanding. The department shall participate in the cost of the county probation~~
 2075 ~~systems subject to this Code section for fiscal years 1982-83 and 1983-84. The department~~
 2076 ~~shall compute the state cost per probationer on a state-wide basis for each of the aforesaid~~
 2077 ~~fiscal years pursuant to the formula used by the Office of Planning and Budget to determine~~
 2078 ~~the state cost for probation for budgetary purposes. For each of the aforesaid fiscal years,~~
 2079 ~~the department shall pay to the governing authority of each county maintaining a county~~
 2080 ~~probation system subject to this Code section the percentage shown below of the state-wide~~
 2081 ~~cost per probationer for each probationer being supervised under the respective county~~
 2082 ~~probation system as of the first day of each of said fiscal years:~~

2083 ~~(1) For fiscal year 1982-83, 10 percent; and~~

2084 ~~(2) For fiscal year 1983-84, 10-100 percent.~~

2085 ~~(b) The funds necessary to participate in the cost of county probation systems under~~
 2086 ~~subsection (a) of this Code section shall come from funds appropriated to the department~~
 2087 ~~for the purposes of providing state participation in the cost of county probation systems.~~
 2088 ~~The payments to counties provided for in subsection (a) of this Code section shall be made~~
 2089 ~~by, or pursuant to the order of, the department in single lump sum payment for each fiscal~~

2090 year, with the payment for fiscal year 1982-83 being made by May 1, 1983, and the one for
 2091 fiscal year 1983-84 by May 1, 1984. As a condition necessary for a county to qualify for
 2092 department participation in the cost of the county's probation system, the employees of
 2093 such county probation systems shall be subject to the supervision, control, and direction
 2094 of the department.

2095 ~~(c) Each county probation system subject to the provisions of this Code section shall~~
 2096 ~~become a part of the state-wide probation system provided for by this article effective on~~
 2097 ~~July 1, 1984, and shall be fully funded from state funds as a part of the state-wide probation~~
 2098 ~~system beginning with fiscal year 1984-85. The employees of said county probation~~
 2099 ~~systems, at their option, shall become employees of the department on the date said county~~
 2100 ~~systems become a part of the state-wide probation system and, on or after said date, said~~
 2101 ~~employees shall be subject to the salary schedules and other personnel policies of the~~
 2102 ~~department, except that the salaries of such employees shall not be reduced as a result of~~
 2103 ~~becoming employees of the department.~~

2104 ~~(d) When an employee of a county probation system of any county of this state having a~~
 2105 ~~population of 550,000 or more according to the United States decennial census of 1980 or~~
 2106 ~~any future such census becomes an employee of the department pursuant to subsection (c)~~
 2107 ~~of this Code section at the same or a greater salary, the change in employment shall not~~
 2108 ~~constitute involuntary separation from service or termination of employment within the~~
 2109 ~~meaning of any local retirement or pension system of which the employee was a member~~
 2110 ~~at the time of such change in employment, and the change in employment shall not entitle~~
 2111 ~~the employee to begin receiving any retirement or pension benefit whatsoever under any~~
 2112 ~~such local retirement or pension system.~~

2113 ~~42-8-43.2.~~

2114 ~~(a) This Code section shall apply to county probation systems, including state court adult~~
 2115 ~~probation systems, of each county having a population of more than 100,000 in any~~
 2116 ~~metropolitan statistical area having a population of not less than 200,000 nor more than~~
 2117 ~~230,000 according to the United States decennial census of 1980 or any future such census,~~
 2118 ~~any provision of Code Section 42-8-43 to the contrary notwithstanding. The department~~
 2119 ~~shall participate in the cost of the county probation systems subject to this Code section for~~
 2120 ~~fiscal year 1987-88. The department shall compute the state cost per probationer on a~~
 2121 ~~state-wide basis for such fiscal year pursuant to the formula used by the Office of Planning~~
 2122 ~~and Budget to determine the state cost for probation for budgetary purposes. For said fiscal~~
 2123 ~~year, the department shall pay to the governing authority of each county maintaining a~~
 2124 ~~county probation system subject to this Code section 10 percent of the state-wide cost per~~
 2125 ~~probationer for each probationer being supervised under the respective county probation~~

2126 ~~system as of the first day of said fiscal year. The funds necessary to participate in the cost~~
2127 ~~of county probation systems under this subsection shall come from funds appropriated to~~
2128 ~~the department for the purposes of providing state participation in the cost of county~~
2129 ~~probation systems. The payments to counties provided for in this subsection shall be made~~
2130 ~~by, or pursuant to the order of, the department in single lump sum payment for fiscal year~~
2131 ~~1987-88, with the payment being made by May 1, 1988. As a condition necessary for a~~
2132 ~~county to qualify for department participation in the cost of the county's probation system,~~
2133 ~~the county shall cause to be made an independent audit of the financial affairs and~~
2134 ~~transactions of all funds and activities of the county probation system and agree to be~~
2135 ~~responsible for any discrepancies, obligations, debts, or liabilities of such county probation~~
2136 ~~system which may exist prior to the department's participation in the cost of the county's~~
2137 ~~probation system. As a further condition necessary for a county to qualify for department~~
2138 ~~participation in the cost of the county's probation system, the employees of such county~~
2139 ~~probation systems shall be subject to the supervision, control, and direction of the~~
2140 ~~department.~~

2141 ~~(b) The county probation system of any such county shall become a part of the state-wide~~
2142 ~~probation system provided for by this article effective July 1, 1988, and shall be fully~~
2143 ~~funded from state funds as part of the state-wide probation system beginning with fiscal~~
2144 ~~year 1988-89. The employees of such county probation system, at their option, shall~~
2145 ~~become employees of the department on the date said county system becomes a part of the~~
2146 ~~state-wide probation system and, on or after said date, said employees shall be subject to~~
2147 ~~the salary schedules and other personnel policies of the department, except that the salaries~~
2148 ~~of such employees shall not be reduced as a result of becoming employees of the~~
2149 ~~department.~~

2150 ~~(c) When an employee of a county probation system becomes an employee of the~~
2151 ~~department pursuant to subsection (b) of this Code section at the same or a greater salary,~~
2152 ~~the change in employment shall not constitute involuntary separation from service or~~
2153 ~~termination of employment within the meaning of any local retirement or pension system~~
2154 ~~of which the employee was a member at the time of such change in employment, and the~~
2155 ~~change in employment shall not entitle the employee to begin receiving any retirement or~~
2156 ~~pension benefit whatsoever under any such local retirement or pension system.~~

2157 ~~(d) No leave time accrued by an employee of a county probation system shall be~~
2158 ~~transferred when the employee becomes a state employee. Any leave time accrued by an~~
2159 ~~employee of such county probation system shall be satisfied as a debt owed to the~~
2160 ~~employee by the county.~~

2161 ~~42-8-43.3.~~

2162 ~~(a) This Code section shall apply to county probation systems, including state court adult~~
2163 ~~probation systems, of each county having a population of 250,000 or more according to the~~
2164 ~~United States decennial census of 1980 or any future such census, any provision of Code~~
2165 ~~Section 42-8-43 to the contrary notwithstanding. The department shall participate in the~~
2166 ~~cost of the county probation systems subject to this Code section for fiscal year 1988-89.~~
2167 ~~For said fiscal year, the department shall pay to the governing authority of each county~~
2168 ~~maintaining a county probation system subject to this Code section 10 percent of the annual~~
2169 ~~county probation system budget as of the first day of said fiscal year. The funds necessary~~
2170 ~~to participate in the cost of county probation systems under this subsection shall come from~~
2171 ~~funds appropriated to the department for the purposes of providing state participation in the~~
2172 ~~cost of county probation systems. The payments to counties provided for in this subsection~~
2173 ~~shall be made by, or pursuant to the order of, the department in single lump sum payment~~
2174 ~~for fiscal year 1988-89, with the payment being made by May 1, 1989. As a condition~~
2175 ~~necessary for a county to qualify for department participation in the cost of the county's~~
2176 ~~probation system, the county shall cause to be made an independent audit of the financial~~
2177 ~~affairs and transactions of all funds and activities of the county probation system and agree~~
2178 ~~to be responsible for any discrepancies, obligations, debts, or liabilities of such county~~
2179 ~~probation system which may exist prior to the department's participation in the cost of the~~
2180 ~~county's probation system. As a further condition necessary for a county to qualify for~~
2181 ~~department participation in the cost of the county's probation system, the employees of~~
2182 ~~such county probation systems shall be subject to the supervision, control, and direction~~
2183 ~~of the department.~~

2184 ~~(b) The county probation system of any such county shall become a part of the state-wide~~
2185 ~~probation system provided for by this article effective July 1, 1989, and shall be fully~~
2186 ~~funded from state funds as part of the state-wide probation system beginning with fiscal~~
2187 ~~year 1989-90. The employees of such county probation system, at their option, shall~~
2188 ~~become employees of the department on the date said county system becomes a part of the~~
2189 ~~state-wide probation system and, on or after said date, said employees shall be subject to~~
2190 ~~the salary schedules and other personnel policies of the department, except that the salaries~~
2191 ~~of such employees shall not be reduced as a result of becoming employees of the~~
2192 ~~department.~~

2193 ~~(c) When an employee of a county probation system becomes an employee of the~~
2194 ~~department pursuant to subsection (b) of this Code section at the same or a greater salary,~~
2195 ~~the change in employment shall not constitute involuntary separation from service or~~
2196 ~~termination of employment within the meaning of any local retirement or pension system~~
2197 ~~of which the employee was a member at the time of such change in employment, and the~~

2198 ~~change in employment shall not entitle the employee to begin receiving any retirement or~~
 2199 ~~pension benefit whatsoever under any such local retirement or pension system.~~

2200 ~~(d) No leave time accrued by an employee of a county probation system shall be~~
 2201 ~~transferred when the employee becomes a state employee. Any leave time accrued by an~~
 2202 ~~employee of such county probation system shall be satisfied as a debt owed to the~~
 2203 ~~employee by the county.~~

2204 ~~42-8-44.~~ 42-8-43.

2205 This article shall be liberally construed so that its purposes may be achieved."

2206 **PART V**

2207 **CONFORMING REFERENCES**

2208 **SECTION 5-1.**

2209 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 2210 subsection (c) of Code Section 15-1-4, relating to the extent of contempt power, as follows:

2211 "(c) When a person who is gainfully employed violates an order of the court granting
 2212 temporary or permanent alimony or child support and the judge finds the person in
 2213 contempt of court, the sentencing judge may sentence the respondent to a term of
 2214 confinement in a diversion center and participation in a diversion program if such a
 2215 program has been established by a county pursuant to the provisions of Article 8 5 of
 2216 Chapter 8 3 of Title 42."

2217 **SECTION 5-2.**

2218 Said title is further amended by revising paragraphs (3) and (7) of subsection (a) of Code
 2219 Section 15-1-15, relating to drug court divisions, as follows:

2220 "(3) Each drug court division shall establish a planning group to develop a work plan.
 2221 The planning group shall include the judges, prosecuting attorneys, public defenders,
 2222 ~~probation~~ community supervision officers, and persons having expertise in the field of
 2223 substance abuse. The work plan shall address the operational, coordination, resource,
 2224 information management, and evaluation needs of the drug court division. The work plan
 2225 shall include drug court division policies and practices related to implementing the
 2226 standards and practices developed pursuant to paragraph (4) of this subsection. The work
 2227 plan shall ensure a risk and needs assessment is used to identify the likelihood of
 2228 recidivating and identify the needs that, when met, reduce recidivism. The work plan
 2229 shall ensure that drug court division eligibility shall be focused on moderate-risk and
 2230 high-risk offenders as determined by a risk and needs assessment. The drug court

2231 division shall combine judicial supervision, treatment of drug court division participants,
2232 and drug testing."

2233 "(7) The court instituting the drug court division may request ~~probation~~ community
2234 supervision officers and other employees of the court to perform duties for the drug court
2235 division. Such employees shall perform duties as directed by the judges of the drug court
2236 division."

2237 SECTION 5-3.

2238 Said title is further amended by revising paragraph (3) of subsection (b) of Code Section
2239 15-1-16, relating to mental health court divisions, as follows:

2240 "(3) Each mental health court division shall establish a planning group to develop a
2241 written work plan. The planning group shall include judges, prosecuting attorneys,
2242 sheriffs or their designees, public defenders, ~~probation~~ community supervision officers,
2243 and persons having expertise in the field of mental health. The work plan shall address
2244 the operational, coordination, resource, information management, and evaluation needs
2245 of the mental health court division. The work plan shall include mental health court
2246 division policies and practices related to implementing the standards and practices
2247 developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk
2248 and needs assessment is used to identify the likelihood of recidivating and identify the
2249 needs that, when met, reduce recidivism. The work plan shall ensure that mental health
2250 court division eligibility shall be focused on moderate-risk and high-risk offenders as
2251 determined by a risk and needs assessment. The mental health court division shall
2252 combine judicial supervision, treatment of mental health court division participants, and
2253 drug and mental health testing. Defendants charged with murder, murder in the second
2254 degree, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated
2255 child molestation, or child molestation shall not be eligible for entry into the mental
2256 health court division, except in the case of a separate court supervised reentry program
2257 designed to more closely monitor mentally ill offenders returning to the community after
2258 having served a term of incarceration. Any such court supervised community reentry
2259 program for mentally ill offenders shall be subject to the work plan as provided for in this
2260 paragraph."

2261 SECTION 5-4.

2262 Said title is further amended by revising paragraph (3) of subsection (b) of Code Section
2263 15-1-17, relating to veterans court divisions, as follows:

2264 "(3) Each veterans court division shall establish a planning group to develop a written
2265 work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or

2266 their designees, public defenders, ~~probation~~ community supervision officers, and persons
 2267 having expertise in services available to veterans. The work plan shall address the
 2268 operational, coordination, resource, information management, and evaluation needs of
 2269 the veterans court division. The work plan shall include veterans court division policies
 2270 and practices related to implementing the standards and practices developed pursuant to
 2271 paragraph (4) of this subsection. The veterans court division shall combine judicial
 2272 supervision, treatment of veterans court division participants, and drug and mental health
 2273 testing. The work plan shall include eligibility criteria for the veterans court division.
 2274 Defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated
 2275 sexual battery, aggravated child molestation, or child molestation shall not be eligible for
 2276 entry into the veterans court division, except in the case of a separate court supervised
 2277 reentry program designed to more closely monitor veterans returning to the community
 2278 after having served a term of incarceration. Any such court supervised community
 2279 reentry program for mentally ill offenders shall be subject to the work plan as provided
 2280 for in this paragraph."

2281 **SECTION 5-5.**

2282 Said title is further amended by revising subsection (i) of Code Section 15-6-77, relating to
 2283 superior court fees, as follows:

2284 "(i) No fees shall be charged for the following:

2285 (1) Recording discharge certificates of veterans, as provided in Code Section 15-6-78;

2286 (2) Filing a petition as provided in Code Section 42-8-66;

2287 ~~(2)~~(3) Recording and certifying documents in connection with admission to practice law;
 2288 and

2289 ~~(3)~~(4) Costs associated with the filing of criminal charges by an alleged victim of a
 2290 violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1,
 2291 16-6-22.1, or 16-6-22.2 or an alleged victim of any domestic violence offense or for the
 2292 issuance or service of a warrant, protective order, or witness subpoena arising from the
 2293 violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1,
 2294 16-6-22.1, or 16-6-22.2 or the incident of domestic violence."

2295 **SECTION 5-6.**

2296 Said title is further amended by revising subsection (a) of Code Section 15-5-81, relating to
 2297 the advisory council to the Georgia Courts Automation Commission, as follows:

2298 "(a) There shall be an advisory council to the Georgia Courts Automation Commission.
 2299 The advisory council shall consist of: the director of the Georgia Bureau of Investigation
 2300 or the director's designee, the commissioner of corrections or the commissioner's designee,

2301 the commissioner of community supervision or the commissioner's designee, the
 2302 commissioner of public safety or the commissioner's designee, the ~~chairman~~ chairperson
 2303 of the State Board of Pardons and Paroles or the ~~chairman's~~ chairperson's designee, the
 2304 director of the Administrative Office of the Courts or the director's designee, the director
 2305 of the Criminal Justice Coordinating Council or the director's designee, the director of the
 2306 Governor's Office for Children and Families or the director's designee, and the executive
 2307 director of the Georgia Technology Authority or the executive director's designee."

2308 **SECTION 5-7.**

2309 Said title is further amended by revising subsection (a) of Code Section 15-6-30, relating to
 2310 travel expenses for judges of the superior courts, as follows:

2311 "(a) The judges of the superior courts of this state shall be entitled to receive, in addition
 2312 to the compensation provided by law, reimbursement of travel expenses incurred when
 2313 such a judge attends any court in his or her judicial circuit other than the court in the county
 2314 of the residence of the judge or when the judge is required to be in any county in his or her
 2315 circuit other than the county of his or her residence in the discharge of any judicial duty or
 2316 function, required by law, pertaining to the superior court of such county. Judges and
 2317 senior judges of the superior courts shall also be entitled to receive reimbursement under
 2318 this Code section of travel expenses incurred when any such judge is designated to preside
 2319 in the place of an absent Justice of the Supreme Court or attends a meeting of a judicial
 2320 administrative district, The Council of Superior Court Judges of Georgia, the Judicial
 2321 Council of Georgia, ~~the Advisory Council for Probation~~ the Board of Community
 2322 Supervision, the Judicial Qualifications Commission, or any committee or subcommittee
 2323 of any such body, or when any such judge attends a meeting with the personnel of any state
 2324 department or other state agency when such meeting is held to carry out a public purpose;
 2325 provided, however, that any expenses for which reimbursement is received under this
 2326 subsection shall not be eligible for reimbursement under Code Section 15-6-32."

2327 **SECTION 5-8.**

2328 Said title is further amended by adding a new paragraph to Code Section 15-11-2, relating
 2329 to definitions regarding general provisions of the Juvenile Code, to read as follows:

2330 "(13.1) 'Community supervision officer' means an individual employed by the
 2331 Department of Community Supervision who supervises probationers who were
 2332 adjudicated for committing a Class A designated felony act or Class B designated felony
 2333 act, placed in restrictive custody, and released from such custody."

2334 **SECTION 5-9.**

2335 Said title is further amended by revising subsections (b) and (c) of Code Section 15-11-58,
2336 relating to the Council of Juvenile Court Judges, role, and director, as follows:

2337 "(b) The Council of Juvenile Court Judges:

2338 (1) Shall meet at stated times to be fixed by it or on call of the chairperson;

2339 (2) May establish general policies for the conduct of courts exercising jurisdiction over
2340 children;

2341 (3) May promulgate uniform rules and forms governing procedures and practices of the
2342 courts;

2343 (4) Shall publish in print or electronically an annual report of the work of the courts
2344 exercising jurisdiction over children, which shall include statistical and other data on the
2345 courts' work and services, research studies the council may make of the problems of
2346 children and families dealt with by the courts, and any recommendations for legislation;
2347 and

2348 (5) Shall be authorized to inspect and copy records of the courts, law enforcement
2349 agencies, the department, the Department of Community Supervision, and DJJ for the
2350 purpose of compiling statistical data on children.

2351 (c) Subject to the approval of the Council of Juvenile Court Judges, the presiding judge
2352 of the council shall appoint a chief administrative and executive officer for the council who
2353 shall have the title of director of the Council of Juvenile Court Judges. Under the general
2354 supervision of the presiding judge of the council and within the policies established by the
2355 council, the director shall:

2356 (1) Provide consultation to the courts regarding the administration of court services and
2357 the recruitment and training of personnel;

2358 (2) Make recommendations to the council for improvement in court services;

2359 (3) With the approval of the presiding judge, appoint consultants and necessary clerical
2360 personnel to perform the duties assigned to the council and the director;

2361 (4) Collect necessary statistics and prepare an annual report of the work of the courts;

2362 (5) Promulgate in cooperation with DJJ standard procedures for coordinating DJJ, the
2363 Department of Community Supervision, and county juvenile probation services
2364 throughout this state; and

2365 (6) Perform such other duties as the presiding judge of the council shall specify."

2366 **SECTION 5-10.**

2367 Said title is further amended by revising Code Section 15-11-67, relating to duties of
2368 probation officers, as follows:

2369 "15-11-67.

2370 (a) A county juvenile probation officer or DJJ staff member serving as a juvenile probation
2371 officer or community supervision officer, as appropriate:

2372 (1) Shall make investigations, reports, and recommendations to the court as directed by
2373 this chapter;

2374 (2) Shall supervise and assist a child placed on probation or under the protective
2375 supervision or care of such ~~probation~~ officer by order of the court or other authority of
2376 law;

2377 (3) May, unless otherwise ordered by the court, determine if a child should be placed on
2378 unsupervised probation and, if so, place a child on unsupervised probation;

2379 (4) Shall make appropriate referrals to other private or public agencies of the community
2380 if such assistance appears to be needed or desirable;

2381 (5) May take into custody and detain a child who is under the supervision or care of such
2382 ~~probation~~ officer if ~~the probation~~ such officer has reasonable cause to believe that such
2383 child's health or safety or that of another is in imminent danger or that such child may
2384 abscond or be removed from the jurisdiction of the court, or when so ordered by the court
2385 pursuant to this chapter;

2386 (6) May not conduct accusatory proceedings against a child who is or may be under such
2387 ~~probation~~ officer's care or supervision;

2388 (7) Shall perform all other functions designated by this chapter or by order of the court
2389 pursuant to this chapter. Any of the functions specified in this Code section may be
2390 performed in another state if authorized by the court located in this state and permitted
2391 by the laws of the other state; and

2392 (8) Other laws to the contrary notwithstanding, no ~~probation~~ such officer shall be liable
2393 for the acts of a child not detained or taken into custody when, in the judgment of such
2394 officer, such detention or custody is not warranted.

2395 (b) Notwithstanding subsection (a) of this Code section, DJJ, as the employer, shall
2396 maintain sole authority over the duties and responsibilities of all DJJ staff members serving
2397 as probation officers and the Department of Community Supervision shall maintain sole
2398 authority over the duties and responsibilities of all of such department's staff serving as
2399 community supervision officers."

2400 **SECTION 5-11.**

2401 Said title is further amended by revising subparagraph (F) of paragraph (5) of Code Section
2402 15-11-471, relating to definitions, as follows:

2403 "(F) Electronic monitoring, as such term is defined in Code Section ~~42-8-151~~
2404 42-3-111;"

SECTION 5-12.

2405
 2406 Said title is further amended by revising Code Section 15-11-473, relating to conduct of
 2407 delinquency proceedings by prosecuting attorney and access to information, as follows:

2408 "15-11-473.

2409 (a) A prosecuting attorney shall conduct delinquency proceedings on behalf of the state.

2410 (b) Except as provided in Article 9 of this chapter, in any delinquency proceeding, the
 2411 prosecuting attorney shall be entitled to complete access to all court files, probation files,
 2412 hearing transcripts, delinquency reports, and any other juvenile court records. It shall be
 2413 the duty of the clerk, probation and intake officer, probation officers of the juvenile court,
 2414 community supervision officers, and DJJ to assist a prosecuting attorney in obtaining any
 2415 requested items."

SECTION 5-13.

2416
 2417 Said title is further amended by revising subsection (h) of Code Section 15-11-506, relating
 2418 to detention hearing and time limitations, as follows:

2419 "(h) If an alleged delinquent child cannot be returned to the custody of his or her parent,
 2420 guardian, or legal custodian, a probation officer or community supervision officer, as
 2421 applicable, shall provide referrals for services as soon as possible to enable such child's
 2422 parent, guardian, or legal custodian to obtain any assistance that may be needed to
 2423 effectively provide the care and control necessary for such child to return home."

SECTION 5-14.

2424
 2425 Said title is further amended by revising subsection (b) of Code Section 15-11-562, relating
 2426 to transfer criteria and probation officer written report contents regarding an alleged
 2427 delinquent child, as follows:

2428 "(b) A probation officer, or community supervision officer, as applicable, shall prepare a
 2429 written report developing fully all available information relevant to the transfer criteria.
 2430 Such A ~~probation~~ officer shall submit such report to the parties and the court as soon as
 2431 practicable but not later than 24 hours before the scheduled hearing. The child subject to
 2432 transfer and the prosecuting attorney shall have the right to review such report and
 2433 cross-examine the individual making such report."

SECTION 5-15.

2434
 2435 Said title is further amended by revising paragraphs (2) and (3) of subsection (a) of Code
 2436 Section 15-11-601, relating to disposition of a delinquent act, as follows:

2437 "(2) An order requiring such child and his or her parent, guardian, or legal custodian to
 2438 participate in counseling or in counsel and advice. Such counseling and counsel and

2439 advice may be provided by the court, court personnel, probation officers, community
 2440 supervision officers, professional counselors or social workers, psychologists, physicians,
 2441 physician assistants, qualified volunteers, or appropriate public, private, or volunteer
 2442 agencies and shall be designed to assist in deterring future delinquent acts or other
 2443 conduct or conditions which would be harmful to such child or society;

2444 (3) An order placing such child on probation under conditions and limitations the court
 2445 prescribes and which may include the probation management program. The court may
 2446 place such child on probation under the supervision of:

2447 (A) A probation officer of the court or the court of another state or a community
 2448 supervision officer;

2449 (B) Any public agency authorized by law to receive and provide care for such child;
 2450 or

2451 (C) Any community rehabilitation center if its chief executive officer has
 2452 acknowledged in writing its willingness to accept the responsibility for the supervision
 2453 of such child;"

2454 **SECTION 5-16.**

2455 Said title is further amended by revising subsection (b) of Code Section 15-11-710, relating
 2456 to exchange of information, as follows:

2457 "(b) Governmental entities and state, county, municipal, or consolidated government
 2458 departments, boards, or agencies shall exchange with each other all information not held
 2459 as confidential pursuant to federal law and relating to a child which may aid a
 2460 governmental entity in the assessment, treatment, intervention, or rehabilitation of a child,
 2461 notwithstanding Code Section 15-1-15, 15-11-40, 15-11-105, 15-11-170, 15-11-264,
 2462 15-11-541, 15-11-542, 15-11-603, 15-11-708, 15-11-709, 15-11-744, 20-2-751.2,
 2463 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17, 31-5-5, 31-33-6,
 2464 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, ~~42-8-106~~ 42-8-109.2, 49-5-40, 49-5-41, 49-5-41.1,
 2465 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve the best
 2466 interests of such child. Information which is shared pursuant to this subsection shall not
 2467 be utilized to assist in the prosecution of a child in juvenile, superior, or state court or
 2468 utilized to the detriment of such child."

2469 **SECTION 5-17.**

2470 Said title is further amended by revising subsection (a) of Code Section 15-11-705, relating
 2471 to child in need of services records and penalty for disclosure, as follows:

2472 "(a) Notwithstanding other provisions of this article, the court records of proceedings under
 2473 Article 5 of this chapter shall be withheld from public inspection but shall be open to

2474 inspection by juvenile probation ~~and parole~~ officers, community supervision officers, a
 2475 child who is a party in a proceeding, his or her parent, guardian, or legal custodian, such
 2476 child's attorney, and others entrusted with the supervision of such child. Additional access
 2477 to court records may be granted by court order."

2478 **SECTION 5-18.**

2479 Said title is further amended by revising subsection (f) of Code Section 15-12-40.1, relating
 2480 to the state-wide master jury list, driver's license information, list of registered voters, and
 2481 random list of persons to comprise venire, as follows:

2482 "(f) On and after July 1, 2015, upon request by the council, the Department of Community
 2483 Supervision and, on and after July 1, 2014, upon request by the council, the Department
 2484 of Corrections, the Georgia Crime Information Center division of the Georgia Bureau of
 2485 Investigation, and the State Board of Pardons and Paroles shall provide to the council,
 2486 without cost, a list of the names of all persons who have been convicted of a felony in state
 2487 or federal court if the person has not had his or her civil rights restored. In addition to the
 2488 convicted person's full name, the data shall include the person's address, including the
 2489 county of residence and ZIP Code, date of birth, gender, and race if available. Such data
 2490 shall be in electronic format as required by the council."

2491 **SECTION 5-19.**

2492 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 2493 amended by revising subsection (m) of Code Section 16-5-21, relating to aggravated assault,
 2494 as follows:

2495 "(m) A person who knowingly commits the offense of aggravated assault upon an officer
 2496 of the court while such officer is engaged in, or on account of the performance of, his or
 2497 her official duties shall, upon conviction thereof, be punished by imprisonment for not less
 2498 than five nor more than 20 years. As used in this subsection, the term 'officer of the court'
 2499 means a judge, attorney, clerk of court, deputy clerk of court, court reporter, court
 2500 interpreter, ~~or probation officer~~ community supervision officer, county or Department of
 2501 Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article
 2502 6 of Chapter 8 of Title 42."

2503 **SECTION 5-20.**

2504 Said title is further amended by revising paragraph (2) of subsection (b) of Code Section
 2505 16-6-5.1, relating to sexual assault by persons with supervisory or disciplinary authority,
 2506 sexual assault by practitioner of psychotherapy against patient, consent not a defense, and
 2507 penalty upon conviction for sexual assault, as follows:

2508 "(2) Is an employee or agent of any ~~probation or parole office~~ community supervision
 2509 office, county juvenile probation office, Department of Juvenile Justice juvenile
 2510 probation office, or probation office under Article 6 of Chapter 8 of Title 42 and engages
 2511 in sexual contact with such other individual who the actor knew or should have known
 2512 is a probationer or parolee under the supervision of the ~~same probation or parole~~ such
 2513 office;"

2514 **SECTION 5-21.**

2515 Said title is further amended by revising subsection (a) of Code Section 16-6-25, relating to
 2516 harboring, concealing, or withholding information concerning a sexual offender and
 2517 penalties, as follows:

2518 "(a) As used in this Code section, the term 'law enforcement unit' means any agency,
 2519 organ, or department of this state, or a subdivision or municipality thereof, whose primary
 2520 functions include the enforcement of criminal or traffic laws; the preservation of public
 2521 order; the protection of life and property; or the prevention, detection, or investigation of
 2522 crime. Such term shall also include the Department of Corrections, the Department of
 2523 Community Supervision, and the State Board of Pardons and Paroles."

2524 **SECTION 5-22.**

2525 Said title is further amended by revising subsection (b) of Code Section 16-10-24, relating
 2526 to obstructing or hindering law enforcement officers, as follows:

2527 "(b) Whoever knowingly and willfully resists, obstructs, or opposes any law enforcement
 2528 officer, prison guard, correctional officer, ~~probation supervisor, parole supervisor~~
 2529 community supervision officer, county or Department of Juvenile Justice juvenile
 2530 probation officer, probation officer serving pursuant to Article 6 of Chapter 8 of Title 42,
 2531 or conservation ranger in the lawful discharge of his or her official duties by offering or
 2532 doing violence to the person of such officer or legally authorized person is guilty of a
 2533 felony and shall, upon conviction thereof, be punished by imprisonment for not less than
 2534 one nor more than five years."

2535 **SECTION 5-23.**

2536 Said title is further amended by revising subsection (b) of Code Section 16-10-33, relating
 2537 to removal or attempted removal of weapon from public official and punishment, as follows:

2538 "(b) It shall be unlawful for any person knowingly to remove or attempt to remove a
 2539 firearm, chemical spray, or baton from the possession of another person if:

- 2540 (1) The other person is lawfully acting within the course and scope of employment; and
 2541 (2) The person has knowledge or reason to know that the other person is employed as:

- 2542 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;
- 2543 (B) ~~A probation officer, or other~~ An employee with the power of arrest; by the
- 2544 Department of Corrections;
- 2545 (C) ~~A parole supervisor, or other~~ An employee with the power of arrest; by the State
- 2546 Board of Pardons and Paroles;
- 2547 (D) A community supervision officer or other employee with the power of arrest by
- 2548 the Department of Community Supervision;
- 2549 ~~(D)~~(E) A jail officer or guard by a county or municipality and has the responsibility of
- 2550 supervising inmates who are confined in a county or municipal jail or other detention
- 2551 facility; or
- 2552 ~~(E)~~(F) A juvenile correctional officer by the Department of Juvenile Justice and has the
- 2553 primary responsibility for the supervision and control of youth confined in such
- 2554 department's programs and facilities."

2555 **SECTION 5-24.**

2556 Said title is further amended by revising subsection (b) of Code Section 16-10-34, relating

2557 to the use of laser devices against law enforcement officers, as follows:

2558 "(b) It shall be unlawful for any person to knowingly and intentionally project upon a law

2559 enforcement officer any laser device without such officer's permission if:

- 2560 (1) The law enforcement officer is lawfully acting within the course and scope of
- 2561 employment; and
- 2562 (2) The person has knowledge or reason to know that the law enforcement officer is
- 2563 employed as:

- 2564 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;
- 2565 (B) An ~~A probation officer, or other~~ employee with the power of arrest; by the
- 2566 Department of Corrections;
- 2567 (C) An ~~A parole supervisor, or other~~ employee with the power of arrest; by the State
- 2568 Board of Pardons and Paroles;
- 2569 (D) A community supervision officer or other employee with the power of arrest by
- 2570 the Department of Community Supervision;
- 2571 ~~(D)~~(E) A jail officer or guard by a county or municipality and has the responsibility of
- 2572 supervising inmates who are confined in a county or municipal jail or other detention
- 2573 facility; or
- 2574 ~~(E)~~(F) A juvenile correctional officer or juvenile probation officer by the Department
- 2575 of Juvenile Justice and has the primary responsibility for the supervision and control
- 2576 of youth confined in such department's programs and facilities."

SECTION 5-25.

2577
 2578 Said title is further amended by revising subsection (b) of Code Section 16-10-97, relating
 2579 to intimidation or injury of juror, court officer, or law enforcement officer, as follows:

2580 "(b) As used in this Code section, the term 'any officer in or of any court' means a judge,
 2581 attorney, clerk of court, deputy clerk of court, court reporter, ~~or probation officer~~
 2582 community supervision officer, county or Department of Juvenile Justice juvenile
 2583 probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title
 2584 42."

SECTION 5-26.

2585
 2586 Said title is further amended by revising subsection (d) of Code Section 16-11-37, relating
 2587 to terroristic threats and acts and penalties, as follows:

2588 "(d) A person who commits or attempts to commit a terroristic threat or act with the intent
 2589 to retaliate against any person for:

2590 (1) Attending a judicial or administrative proceeding as a witness, attorney, judge, clerk
 2591 of court, deputy clerk of court, court reporter, ~~probation officer~~ community supervision
 2592 officer, county or Department of Juvenile Justice juvenile probation officer, probation
 2593 officer serving pursuant to Article 6 of Chapter 8 of Title 42, or party or producing any
 2594 record, document, or other object in a judicial or official proceeding; or

2595 (2) Providing to a law enforcement officer, ~~adult or juvenile probation officer~~ community
 2596 supervision officer, county or Department of Juvenile Justice juvenile probation officer,
 2597 probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, prosecuting
 2598 attorney, or judge any information relating to the commission or possible commission of
 2599 an offense under the laws of this state or of the United States or a violation of conditions
 2600 of bail, pretrial release, probation, or parole

2601 shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall
 2602 be punished, for a terroristic threat, by imprisonment for not less than five nor more than
 2603 ten years or by a fine of not less than \$50,000.00, or both, and, for a terroristic act, by
 2604 imprisonment for not less than five nor more than 20 years or by a fine of not less than
 2605 \$100,000.00, or both."

SECTION 5-27.

2606
 2607 Said title is further amended by revising paragraphs (5) and (12) of subsection (c) of Code
 2608 Section 16-11-127.1, relating to carrying weapons within school safety zones, at school
 2609 functions, or on a bus or other transportation furnished by a school, as follows:

2610 "(5) The following persons, when acting in the performance of their official duties or
 2611 when en route to or from their official duties:

- 2612 (A) A peace officer as defined by Code Section 35-8-2;
- 2613 (B) A law enforcement officer of the United States government;
- 2614 (C) A prosecuting attorney of this state or of the United States;
- 2615 (D) An employee of the ~~Georgia~~ Department of Corrections or a correctional facility
- 2616 operated by a political subdivision of this state or the United States who is authorized
- 2617 by the head of such department or correctional agency or facility to carry a firearm;
- 2618 (E) An employee of the Department of Community Supervision who is authorized by
- 2619 the commissioner of community supervision to carry a firearm;
- 2620 ~~(F)~~(F) A person employed as a campus police officer or school security officer who
- 2621 is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- 2622 ~~(F)~~(G) Medical examiners, coroners, and their investigators who are employed by the
- 2623 state or any political subdivision thereof;"
- 2624 "(12) Community supervision officers ~~Probation supervisors~~ employed by and under the
- 2625 authority of the Department of ~~Corrections pursuant to Article 2 of Chapter 8 of Title 42,~~
- 2626 ~~known as the 'State-wide Probation Act,'~~ Community Supervision when specifically
- 2627 designated and authorized in writing by the ~~director of the Division of Probation~~
- 2628 commissioner of community supervision;"

2629 SECTION 5-28.

2630 Said title is further amended by revising paragraph (9) of subsection (a) and subsection (b)

2631 of Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through

2632 16-11-127.2, as follows:

2633 "(9) Community supervision ~~Chief probation officers, probation officers, intensive~~

2634 ~~probation officers, and surveillance~~ officers employed by and under the authority of the

2635 Department of ~~Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the~~

2636 ~~'State-wide Probation Act,'~~ Community Supervision when specifically designated and

2637 authorized in writing by the ~~director of Division of Probation~~ commissioner of

2638 community supervision;"

2639 "(b) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who

2640 at the time of their retirement from service with the Department of ~~Corrections~~ Community

2641 Supervision were ~~chief probation officers, probation officers, intensive probation officers,~~

2642 ~~or surveillance~~ community supervision officers, when specifically designated and

2643 authorized in writing by the ~~director of the Division of Probation~~ commissioner of

2644 community supervision."

SECTION 5-29.

2645

2646 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
 2647 amended by revising subsection (d) and paragraph (1) of subsection (h) of Code Section
 2648 17-6-1.1, relating to electronic pretrial release and monitoring program for defendants,
 2649 requirements, procedures, and fees, as follows:

2650 "(d) A defendant may not be released to, or remain in, an electronic pretrial release and
 2651 monitoring program ~~who~~ if such defendant has any other outstanding warrants, accusations,
 2652 indictments, holds, or incarceration orders from any other court, law enforcement agency,
 2653 ~~or probation or parole officer~~ community supervision officer, county or Department of
 2654 Juvenile Justice juvenile probation officer, or probation officer serving pursuant to Article
 2655 6 of Chapter 8 of Title 42 that require the posting of bond or further adjudication."

2656 "(h)(1) As an additional condition of electronic pretrial release and monitoring, a
 2657 defendant authorized to participate in such program by the court shall pay a reasonable,
 2658 nonrefundable fee for program enrollment, equipment use, and monitoring to the provider
 2659 of such program. If a bonding company, bonding agent, or probation service provider is
 2660 the provider, the fees earned in the capacity of being such a provider shall be in addition
 2661 to the fees allowed in Code Sections 17-6-30, 42-8-34, and ~~42-8-100~~ 42-8-102."

SECTION 5-30.

2662

2663 Said title is further amended by revising paragraphs (2), (5), and (7) of subsection (a) and
 2664 subsection (d) of Code Section 17-10-1, relating to fixing of sentence, suspension or
 2665 probation of sentence, change in sentence, eligibility for parole, prohibited modifications,
 2666 and exceptions, as follows:

2667 "(2) Active probation supervision shall terminate in all cases no later than two years from
 2668 the commencement of active probation supervision unless specially extended or
 2669 reinstated by the sentencing court upon notice and hearing and for good cause shown;
 2670 provided, however, that in those cases involving the collection of fines, restitution, or
 2671 other funds, the period of active probation supervision shall remain in effect for so long
 2672 as any such obligation is outstanding, or until termination of the sentence, whichever first
 2673 occurs, and for those cases involving a conviction under Chapter 15 of Title 16, the
 2674 'Georgia Street Gang Terrorism and Prevention Act,' the period of active probation
 2675 supervision shall remain in effect until the termination of the sentence, but shall not
 2676 exceed five years unless as otherwise provided in this paragraph. Supervision ~~Active~~
 2677 ~~probation supervision~~ shall not be required for defendants sentenced to probation while
 2678 the defendant is in the legal custody of the Department of Corrections or the State Board
 2679 of Pardons and Paroles."

2680 "(5)(A) When a defendant has been sentenced to probation, the court shall retain
 2681 jurisdiction throughout the period of the probated sentence as provided for in subsection
 2682 (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court
 2683 may shorten the period of active probation supervision or unsupervised probation on
 2684 motion of the defendant or on its own motion, or upon the request of a ~~probation~~
 2685 ~~supervisor~~ community supervision officer, if the court determines that probation is no
 2686 longer necessary or appropriate for the ends of justice, the protection of society, and the
 2687 rehabilitation of the defendant. Prior to entering any order for shortening a period of
 2688 probation, the court shall afford notice to the victim or victims of all sex related
 2689 offenses or violent offenses resulting in serious bodily injury or death and, upon request
 2690 of the victim or victims so notified, shall afford notice and an opportunity for hearing
 2691 to the defendant and the prosecuting attorney.

2692 (B) The Department of ~~Corrections~~ Community Supervision shall establish a form
 2693 document which shall include the elements set forth in this Code section concerning
 2694 notification of victims and shall make copies of such form available to prosecuting
 2695 attorneys in this state. When requested by the victim, the form document shall be
 2696 provided to the victim by the prosecuting attorney. The form shall include the address
 2697 of the ~~probation~~ community supervision office having jurisdiction over the case and
 2698 contain a statement that the victim must maintain a copy of his or her address with the
 2699 ~~probation~~ community supervision office and must notify the office of any change of
 2700 address in order to maintain eligibility for notification by the Department of ~~Corrections~~
 2701 Community Supervision as required in this Code section."

2702 "(7) As used in this subsection, the term:

2703 (A) 'Active probation supervision' means the period of a probated sentence in which
 2704 a probationer actively reports to his or her ~~probation supervisor~~ community supervision
 2705 officer or is otherwise under the direct supervision of a ~~probation supervisor~~ community
 2706 supervision officer.

2707 (B) 'Unsupervised probation' means the period of a probated sentence that follows
 2708 active probation supervision in which:

2709 (i) All of the conditions and limitations imposed by the court remain intact;

2710 (ii) A probationer may have reduced reporting requirements; and

2711 (iii) A ~~probation supervisor~~ community supervision officer shall not actively
 2712 supervise such probationer."

2713 "(d) In any case involving a misdemeanor or a felony in which the defendant has been
 2714 punished in whole or in part by a fine, the sentencing judge shall be authorized to allow the
 2715 defendant to satisfy such fine through community service as defined in ~~paragraph (2) of~~
 2716 Code Section ~~42-8-70~~ 42-3-50. One hour of community service shall equal the dollar

2717 amount of one hour of paid labor at the minimum wage under the federal Fair Labor
 2718 Standards Act of 1938, as now or hereafter amended, unless otherwise specified by the
 2719 sentencing judge. A defendant shall be required to serve the number of hours in
 2720 community service which equals the number derived by dividing the amount of the fine by
 2721 the federal minimum hourly wage or by the amount specified by the sentencing judge.
 2722 Prior to or subsequent to sentencing, a defendant may request the court that all or any
 2723 portion of a fine may be satisfied under this subsection."

2724 **SECTION 5-31.**

2725 Said title is further amended by adding a new Code section to read as follows:

2726 "17-10-1.4.

2727 (a) As used in this Code section, the term 'split sentence' means any felony sentence that
 2728 includes a term of imprisonment followed by a term of probation.

2729 (b) In any case where a judge on or after July 1, 2015, sentences a defendant to a split
 2730 sentence, post-incarceration supervision of the defendant shall be conducted exclusively
 2731 by the Department of Community Supervision and not by the State Board of Pardons and
 2732 Paroles, regardless of whether the defendant has served the full period of incarceration
 2733 ordered in the sentence or has been released prior to the full period of incarceration by
 2734 parole, conditional release, or other action of the State Board of Pardons and Paroles."

2735 **SECTION 5-32.**

2736 Said title is further amended by revising subsection (f) of Code Section 17-10-3, relating to
 2737 punishment for misdemeanors generally, as follows:

2738 "(f) The Department of ~~Corrections~~ Community Supervision shall lack jurisdiction to
 2739 supervise misdemeanor offenders, except when the sentence is made concurrent to a
 2740 probated felony sentence or as provided in Code Section 42-8-109.5. Except as provided
 2741 in this subsection, the Department of Corrections shall lack jurisdiction to confine
 2742 misdemeanor offenders."

2743 **SECTION 5-33.**

2744 Said title is further amended by revising subsections (c) and (d) of Code Section 17-10-9.1,
 2745 relating to voluntary surrender to county jail or correctional institution and release of
 2746 defendant, as follows:

2747 "(c) When a defendant submits a request to the sentencing judge to be allowed to surrender
 2748 voluntarily to a county jail or a correctional facility, the judge may consider the request and
 2749 if, taking into the consideration the crime for which the defendant is being sentenced, the
 2750 history of the defendant, and any other factors which may aid in the decision, the judge

2751 determines that the granting of the request will pose no threat to society, the defendant shall
 2752 be remanded to the supervision of a ~~probation officer~~ community supervision officer,
 2753 county or Department of Juvenile Justice juvenile probation officer, or probation officer
 2754 serving pursuant to Article 6 of Chapter 8 of Title 42 by the judge and ordered to surrender
 2755 voluntarily to a county jail designated by the court or to a correctional institution as
 2756 thereafter designated by the Department of Corrections. The surrender date shall be a date
 2757 thereafter specified as provided in subsection (d) of this Code section. The sentence of any
 2758 defendant who is released pursuant to this Code section shall not begin to run until such
 2759 person surrenders to the facility designated by the court or by the department, provided that
 2760 such person ~~will~~ shall receive credit toward his or her sentence for time spent in
 2761 confinement awaiting trial as provided in Code Section 17-10-11.

2762 (d) In the event the defendant is ordered to surrender voluntarily to a county jail, the court
 2763 shall designate the date on which the defendant shall surrender, which ~~date~~ shall not be
 2764 more than 120 days after the date of conviction. When the sentencing judge issues an order
 2765 requiring a defendant to surrender voluntarily to a correctional institution, the Department
 2766 of Corrections shall authorize the commitment and designate the correctional institution
 2767 to which the defendant shall report and the date on which the defendant is to report, which
 2768 date shall not be more than 120 days after the date of conviction. Upon such designation,
 2769 the department shall notify the ~~supervising probation officer~~ community supervision
 2770 officer, county or Department of Juvenile Justice juvenile probation officer, or probation
 2771 officer serving pursuant to Article 6 of Chapter 8 of Title 42, as applicable, who shall
 2772 notify the defendant accordingly. Subsistence and transportation expenses en route to the
 2773 correctional institution shall be borne by the defendant."

2774 **SECTION 5-34.**

2775 Said title is further amended by revising subsections (a) through (c) of Code Section
 2776 17-12-51, relating to repayment of attorney's fees as condition of probation, as follows:

2777 "(a) When a defendant who is represented by a public defender, who is paid in part or in
 2778 whole by a county, enters a plea of nolo contendere, first offender, or guilty or is otherwise
 2779 convicted, the court may impose as a condition of probation repayment of all or a portion
 2780 of the cost for providing legal representation and other expenses of the defense if the
 2781 payment does not impose a financial hardship upon the defendant or the defendant's
 2782 dependent or dependents. The defendant shall make the payment through the ~~probation~~
 2783 ~~department~~ community supervision officer to the county.

2784 (b) When a defendant who is represented by a public defender, who is paid in part or in
 2785 whole by a municipality, enters a plea of nolo contendere, first offender, or guilty or is
 2786 otherwise convicted, the court may impose as a condition of probation repayment of all or

2787 a portion of the cost for providing legal representation and other expenses of the defense
 2788 if the payment does not impose a financial hardship upon the defendant or the defendant's
 2789 dependent or dependents. The defendant shall make the payment through the ~~probation~~
 2790 ~~department~~ community supervision officer to the municipality.

2791 (c) If a defendant who is represented by a public defender, who is paid for entirely by the
 2792 state, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted,
 2793 the court may impose as a condition of probation repayment of all or a portion of the cost
 2794 for providing legal representation and other costs of the defense if the payment does not
 2795 impose a financial hardship upon such defendant or such defendant's dependent or
 2796 dependents. Such defendant shall make such payment through the ~~probation department~~
 2797 community supervision officer to the Georgia Public Defender Standards Council for
 2798 payment to the general fund of the state treasury."

2799 SECTION 5-35.

2800 Said title is further amended by revising paragraph (4) of Code Section 17-14-2, relating to
 2801 definitions relative to restitution, as follows:

2802 "(4) 'Ordering authority' means:

- 2803 (A) A court of competent jurisdiction;
- 2804 (B) The State Board of Pardons and Paroles;
- 2805 (C) The Department of Corrections;
- 2806 (D) The Department of Juvenile Justice; or
- 2807 (E) The Department of Community Supervision; or
- 2808 (F) Any combination thereof, as is required by the context."

2809 SECTION 5-36.

2810 Said title is further amended by revising Code Section 17-14-8, relating to apportionment of
 2811 payments for fines and restitution and payment to victims, as follows:

2812 "17-14-8.

- 2813 (a) In any case in which a court sentences an offender to pay restitution and a fine, if the
 2814 court permits the offender to pay such restitution and fine in other than a lump sum, the
 2815 clerk of any superior court of this state, ~~probation officer or parole officer~~ community
 2816 supervision officer, county or Department of Juvenile Justice juvenile probation officer,
 2817 probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official
 2818 who receives such partial payments shall apply not less than one-half of each payment to
 2819 the restitution before paying any portion of such fine or any forfeitures, costs, fees, or
 2820 surcharges provided for by law to any agency, department, commission, committee,
 2821 authority, board, or bureau of state or local government.

2822 (b) The clerk of any court of this state, ~~probation officer or parole officer~~ community
 2823 supervision officer, county or Department of Juvenile Justice juvenile probation officer,
 2824 probation officer serving pursuant to Article 6 of Chapter 8 of Title 42, or other official
 2825 who receives partial payments for restitution shall pay the restitution amount to the victim
 2826 as provided in the restitution order not later than the last day of each month, provided that
 2827 the amount exceeds \$100.00. If the amount does not exceed \$100.00, the clerk of any court
 2828 of this state, ~~probation officer or parole officer~~ community supervision officer, county or
 2829 Department of Juvenile Justice juvenile probation officer, probation officer serving
 2830 pursuant to Article 6 of Chapter 8 of Title 42, or other official may allow the amount of
 2831 restitution to accumulate until such time as it exceeds \$100.00 or until the end of the next
 2832 calendar quarter, whichever occurs first."

2833 SECTION 5-37.

2834 Said title is further amended by revising subsection (c) of Code Section 17-14-14, relating
 2835 to restitution payments, wage assignments, review of compliance, and interest, as follows:

2836 "(c) Until such time as the restitution has been paid or the sentence has been completed,
 2837 the clerk of court or the ~~probation or parole officer~~ community supervision officer, county
 2838 or Department of Juvenile Justice juvenile probation officer, or probation officer serving
 2839 pursuant to Article 6 of Chapter 8 of Title 42 assigned to the case, whoever is responsible
 2840 for collecting restitution, shall review the case not less frequently than twice yearly to
 2841 ensure that restitution is being paid as ordered. If the restitution was ordered to be made
 2842 within a specific period of time, the case shall be reviewed at the end of the specific period
 2843 of time to determine if the restitution has been paid in full. The final review shall be
 2844 conducted before the sentence or probationary or parole period expires. If it is determined
 2845 at any review that restitution is not being paid as ordered, a written report of the violation
 2846 shall be filed with the court on a form prescribed by the Council of Superior Court Clerks
 2847 of Georgia."

2848 SECTION 5-38.

2849 Said title is further amended by revising Code Section 17-14-16, relating to provision of
 2850 copies of restitution orders to the Department of Corrections or the Department of Juvenile
 2851 Justice on remand of sentence, as follows:

2852 "17-14-16.

2853 If an offender who is ordered to pay restitution under this article is remanded to the
 2854 jurisdiction of the Department of Corrections or the Department of Juvenile Justice, the
 2855 court shall ~~provide~~ transmit a copy of the restitution order to such department and to the

2856 Department of Community Supervision when the ~~offender is remanded to such~~
 2857 ~~department's jurisdiction~~ order is issued."

2858 **SECTION 5-39.**

2859 Said title is further amended by revising subsections (e) and (f) of Code Section 17-15-13,
 2860 relating to debt to state created, payment as condition of probation or parole, and payment
 2861 into fund, as follows:

2862 "(e) Payments authorized or required under this Code section shall be paid into the fund.
 2863 The board shall coordinate the development of policies and procedures for the State Board
 2864 of Pardons and Paroles, the Department of Community Supervision, and the Administrative
 2865 Office of the Courts to assure that restitution programs are administered in an effective
 2866 manner to increase payments into the fund.

2867 (f) In every case where an individual is serving under active probation supervision and
 2868 paying a supervision fee, \$9.00 per month shall be added to any supervision fee collected
 2869 by any entity authorized to collect such fees and shall be paid into the fund. This
 2870 subsection shall apply to probationers supervised under ~~either Code Section 42-8-20 or~~
 2871 ~~42-8-100~~ by community supervision officers or private probation officers or probation
 2872 officers pursuant to Article 6 of Chapter 8 of Title 42. The probation supervising entity
 2873 shall collect and forward the \$9.00 fee to the board by the end of each month."

2874 **SECTION 5-40.**

2875 Said title is further amended by revising paragraph (5) of Code Section 17-17-3, relating to
 2876 definitions regarding the "Crime Victims' Bill of Rights," as follows:

2877 "(5) 'Custodial authority' means a warden, sheriff, jailer, deputy sheriff, police officer,
 2878 correctional officer, officer or employee of the Department of Corrections or the
 2879 Department of Juvenile Justice, community supervision officer or employee of the
 2880 Department of Community Supervision, or any other law enforcement officer having
 2881 actual custody of the accused."

2882 **SECTION 5-41.**

2883 Said title is further amended by revising paragraph (2) of subsection (c) of Code Section
 2884 17-17-8, relating to notification by prosecuting attorney of legal procedures and of victim's
 2885 rights in relation thereto and victims seeking restitution, as follows:

2886 "(2) The prosecuting attorney shall transmit the information collected in paragraph (1)
 2887 of this subsection to the Department of Corrections, Department of Community
 2888 Supervision, Department of Juvenile Justice, or the State Board of Pardons and Paroles,
 2889 as applicable, if an order of restitution is entered."

SECTION 5-42.

2890
 2891 Said title is further amended by revising subsection (a) of Code Section 17-17-14, relating
 2892 to victim required to provide current address and phone number to notifying parties, as
 2893 follows:

2894 "(a) It is the right and responsibility of the victim who desires notification under this
 2895 chapter or under any other notification statute to keep the following informed of the
 2896 victim's current address and phone number:

- 2897 (1) The investigating law enforcement agency;
 2898 (2) The prosecuting attorney, until final disposition or completion of the appellate and
 2899 post-conviction process, whichever occurs later;
 2900 (3) As directed by the prosecuting attorney, the sheriff if the accused is in the sheriff's
 2901 custody for pretrial, trial, or post-conviction proceedings; the Department of Corrections
 2902 if the accused is in the custody of the state; or any county correctional facility if the
 2903 defendant is sentenced to serve time in a facility which is not a state facility; ~~and~~
 2904 (4) The Department of Community Supervision; and
 2905 ~~(4)(5)~~ The State Board of Pardons and Paroles."

SECTION 5-43.

2906
 2907 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 2908 amended by revising subsection (a) of Code Section 19-7-52, relating to whom support
 2909 payments made and enforcement and modification of orders, as follows:

2910 "(a) The court may order that support payments be made to the mother or other interested
 2911 party, the child support receiver, the prosecuting attorney, the ~~probation~~ community
 2912 supervision officer, or the clerk of court, provided that, in those cases where the action has
 2913 been brought by the Department of Human Services on behalf of a child, the support
 2914 payment shall be made to the Department of Human Services for distribution or to the child
 2915 support receiver if the Department of Human Services so requests."

SECTION 5-44.

2916
 2917 Said title is further amended by revising Code Section 19-11-21, relating to payment of child
 2918 support to the Department of Human Services, as follows:

2919 "19-11-21.

2920 Payment of support pursuant to an administrative determination or a voluntary agreement
 2921 shall be made to the department. In non-TANF cases, where the department deems it
 2922 appropriate, it may authorize distribution of the actual payment by other individuals,
 2923 agencies, or entities and utilize certification schedules reflecting such payments or
 2924 distributions which the department requires, in accordance with the federal Social Security

2925 Act, as amended. Child support which is ordered by a court pursuant to a divorce decree
 2926 or in any other proceeding in which the responsible parent is required to pay support for
 2927 his or her child or children, whether the proceeding is civil or criminal, shall be paid by the
 2928 responsible parent, the clerk of court, the juvenile probation officer, the community
 2929 supervision officer, the child support receiver, or a similar official who is collecting support
 2930 to the department upon the department's certification that the child is a recipient of public
 2931 assistance or upon the department's certification that an application has been filed with the
 2932 department for enforcement of support in accordance with the provisions of the federal
 2933 Social Security Act."

2934 **SECTION 5-45.**

2935 Said title is further amended by revising Code Section 19-11-67, relating to transmittal of
 2936 payments to court of initiating state and certified statement of payments made by respondent
 2937 relative to child support, as follows:

2938 "19-11-67.

2939 A court of this state, when acting as a responding state, shall have the following duties,
 2940 which may be carried out through the ~~probation department of~~ community supervision
 2941 office, juvenile probation office, or probation office under the authority of Article 6 of
 2942 Chapter 8 of Title 42 for the court:

- 2943 (1) Upon the receipt of a payment made by the respondent pursuant to any order of the
 2944 court or otherwise, to transmit the same forthwith to the court of the initiating state; and
 2945 (2) Upon request, to furnish to the court of the initiating state a certified statement of all
 2946 payments made by the respondent."

2947 **SECTION 5-46.**

2948 Said title is further amended by revising Code Section 19-13-10, relating to definitions
 2949 relative to family violence intervention, as follows:

2950 "19-13-10.

2951 As used in this article, the term:

- 2952 (1) 'Commission' means the State Commission on Family Violence.
 2953 (2) 'Commissioner' means the commissioner of ~~corrections~~ community supervision.
 2954 (3) 'Department' means the Department of ~~Corrections~~ Community Supervision.
 2955 (4) 'Family or household members' means past or present spouses, persons who are
 2956 parents of the same child, or other persons living or formerly living in the same
 2957 household.

2958 (5) 'Family violence' means the commission of the offenses of battery, simple battery,
 2959 simple assault, assault, stalking, criminal damage to property, or criminal trespass
 2960 between family or household members.

2961 (6) 'Family violence intervention program' or 'program' means any program that is
 2962 certified by the Department of ~~Corrections~~ Community Supervision pursuant to Code
 2963 Section 19-13-14 and designed to rehabilitate family violence offenders. ~~The~~ Such term
 2964 ~~includes~~ shall include, but is shall not be limited to, batterer intervention programs, anger
 2965 management programs, anger counseling, family problem resolution, and violence
 2966 therapy."

2967 SECTION 5-47.

2968 Said title is further amended by revising Code Section 19-13-31, relating to creation of the
 2969 State Commission on Family Violence, comprehensive state plan for ending family violence,
 2970 and establishment of community task forces, as follows:

2971 "19-13-31.

2972 There is created a State Commission on Family Violence which shall be responsible for
 2973 developing a comprehensive state plan for ending family violence. This plan shall include
 2974 the initiation, coordination, and oversight of the implementation of family violence laws
 2975 and the establishment in each judicial circuit of a Community Task Force on Family
 2976 Violence. These task forces shall be supported by and work in collaboration with the state
 2977 commission. The commission shall be assigned for administrative purposes only, as set
 2978 out in Code Section 50-4-3, to the Department of ~~Corrections~~ Community Supervision."

2979 SECTION 5-48.

2980 Said title is further amended by revising subsection (a) of Code Section 19-13-32, relating
 2981 to membership, terms, filling of vacancies, and officers regarding the State Commission on
 2982 Family Violence, as follows:

2983 "(a) The State Commission on Family Violence shall consist of 37 members:

2984 (1) Three ex officio members shall be the director of the Division of Family and Children
 2985 Services of the Department of Human Services, the director of Women's Health Services
 2986 in the Department of Public Health, and the Attorney General;

2987 (2) Three members shall be members of the House of Representatives and shall be
 2988 appointed by the Speaker of the House of Representatives;

2989 (3) Three members shall be members of the Senate and shall be appointed by the
 2990 President of the Senate;

2991 (4) The remaining members shall be appointed by the Governor as follows:

2992 (A) One judge from each judicial administrative district;

- 2993 (B) Three advocates for battered women recommended by groups which have
 2994 addressed the problem of family violence;
- 2995 (C) One person with expertise and interest regarding family violence involving persons
 2996 who are 60 years of age or older;
- 2997 (D) One person with expertise and interest regarding family violence involving
 2998 children; and
- 2999 (E) One representative from each of the following:
- 3000 (i) The Administrative Office of the Courts;
- 3001 (ii) The Georgia Peace Officer Standards and Training Council;
- 3002 (iii) The Georgia Association of Chiefs of Police;
- 3003 (iv) The District Attorneys Association of Georgia;
- 3004 (v) The State Board of Pardons and Paroles;
- 3005 (vi) The ~~probation system~~ Department of Community Supervision;
- 3006 (vii) The Georgia Sheriffs' Association;
- 3007 (viii) The Criminal Justice Coordinating Council;
- 3008 (ix) The Solicitors Association of Georgia;
- 3009 (x) The legal aid community;
- 3010 (xi) The academic community;
- 3011 (xii) Men Stopping Violence; and
- 3012 (xiii) A former victim of domestic violence."

3013 **SECTION 5-49.**

3014 Said title is further amended by revising subsection (a) of Code Section 19-13-34, relating
 3015 to powers and duties of the State Commission on Family Violence, as follows:

3016 "(a) The commission shall have the following duties:

- 3017 (1) To study and evaluate the needs, priorities, programs, policies, and accessibility of
 3018 services relating to family violence throughout ~~the~~ this state;
- 3019 (2) To evaluate and monitor the adequacy and effectiveness of existing family violence
 3020 laws, including the response of the present civil and criminal legal systems;
- 3021 (3) To initiate and coordinate the development of family violence legislation, as
 3022 necessary;
- 3023 (4) To monitor the implementation and enforcement of laws, regulations, and protocols
 3024 concerning family violence;
- 3025 (5) To make recommendations for education and training to ensure that all citizens and
 3026 service providers, including but not limited to members of the judiciary, law enforcement
 3027 personnel, and prosecuting attorneys, are aware of needs relating to family violence and
 3028 of services available;

- 3029 (6) To develop models for community task forces on family violence;
 3030 (7) To provide training and continuing education on the dynamics of family violence to
 3031 members of the commission where appropriate and necessary;
 3032 (8) To report annually to the General Assembly during its existence; and
 3033 (9) To develop standards to be utilized by the Department of ~~Corrections~~ Community
 3034 Supervision in the certification and regulation of family violence intervention programs."

3035 **SECTION 5-50.**

3036 Said title is further amended by revising paragraph (4) of Code Section 19-13-51, relating
 3037 to definitions relative to the "Family Violence and Stalking Protective Order Registry Act,"
 3038 as follows:

3039 "(4) 'Law enforcement officer' means any agent or officer of this state, or a political
 3040 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
 3041 either expressly by law or by virtue of public employment or service with authority to
 3042 enforce the criminal or traffic laws and whose duties include the preservation of public
 3043 order, the protection of life and property, or the prevention, detection, or investigation of
 3044 crime. Such term also includes the following: state or local officer, sheriff, deputy
 3045 sheriff, dispatcher, 9-1-1 operator, police officer, prosecuting attorney, member of the
 3046 State Board of Pardons and Paroles, a hearing officer ~~and parole officer~~ of the State
 3047 Board of Pardons and Paroles, and a ~~probation~~ community supervision officer of the
 3048 Department of ~~Corrections~~ Community Supervision."

3049 **SECTION 5-51.**

3050 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
 3051 revising Code Section 20-2-699, relating to disposition of children taken into custody, as
 3052 follows:

3053 "20-2-699.

3054 Any person assuming temporary custody of a child pursuant to Code Section 20-2-698
 3055 shall immediately deliver the child either to the parent, guardian, or other person having
 3056 control or charge of the child or to the school from which the child is absent, or if the child
 3057 is found to have been adjudged a delinquent child or a child in need of services, the person
 3058 shall cause the child to be brought before the juvenile probation officer ~~or community~~
 3059 supervision officer of the county having jurisdiction over such child."

3060 **SECTION 5-52.**

3061 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
 3062 revising subsection (a) of Code Section 21-2-231, relating to lists of persons convicted of

3063 felonies, persons identified as noncitizens, persons declared mentally incompetent, and
 3064 deceased persons provided to Secretary of State and Council of Superior Court Clerks,
 3065 removal of names from list of electors, obtain information about persons who died, timing,
 3066 and list of inactive voters provided to Council of Superior Court Clerks, as follows:

3067 "(a) Unless otherwise notified by the Secretary of State, the Georgia Crime Information
 3068 Center shall, on or before the tenth day of each month, prepare and transmit to the
 3069 Secretary of State and The Council of Superior Court Clerks of Georgia a complete list of
 3070 all persons, including dates of birth, social security numbers, and other information as
 3071 prescribed by the Secretary of State or The Council of Superior Court Clerks of Georgia,
 3072 who were convicted of a felony in this state since the preceding reporting period. The
 3073 Secretary of State or The Council of Superior Court Clerks of Georgia may, by agreement
 3074 with the commissioner of corrections and the commissioner of community supervision,
 3075 obtain criminal information relating to the conviction, sentencing, and completion of
 3076 sentencing requirements of felonies. Additionally, the Secretary of State and The Council
 3077 of Superior Court Clerks of Georgia shall be authorized to obtain such criminal information
 3078 relating to Georgia electors convicted of a felony in another state, if such information is
 3079 available."

3080

SECTION 5-53.

3081 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
 3082 is amended by revising paragraph (2) of Code Section 34-9-1, relating to definitions for
 3083 workers' compensation, as follows:

3084 "(2) 'Employee' means every person in the service of another under any contract of hire
 3085 or apprenticeship, written or implied, except a person whose employment is not in the
 3086 usual course of the trade, business, occupation, or profession of the employer; and, except
 3087 as otherwise provided in this chapter, minors are included even though working in
 3088 violation of any child labor law or other similar statute; provided, however, that nothing
 3089 contained in this chapter shall be construed as repealing or altering any such law or
 3090 statute. Any reference to any employee who has been injured shall, if the employee dies,
 3091 include such employee's legal representatives, dependents, and other persons to whom
 3092 compensation may be payable pursuant to this chapter. All firefighters, law enforcement
 3093 personnel, and personnel of emergency management or civil defense agencies, emergency
 3094 medical services, and rescue organizations whose compensation is paid by the state or
 3095 any county or municipality, regardless of the method of appointment, and all full-time
 3096 county employees and employees of elected salaried county officials are specifically
 3097 included in this definition. There shall also be included within such term any volunteer
 3098 firefighter of any county or municipality of this state, but only for services rendered in

3099 such capacity which are not prohibited by Code Section 38-3-36 and only if the
3100 governing authority of the county or municipality for which such services are rendered
3101 shall provide by appropriate resolution for inclusion of such volunteer firefighters; any
3102 volunteer law enforcement personnel of any county or municipality of this state who are
3103 certified by the Georgia Peace Officer Standards and Training Council, for volunteer law
3104 enforcement services rendered in such capacity which are not prohibited by Code Section
3105 38-3-36 and only if the governing authority of the county or municipality for which such
3106 services are rendered shall provide by appropriate resolution for inclusion of such
3107 volunteer law enforcement personnel; any person who is a volunteer member or worker
3108 of an emergency management or civil defense organization, emergency medical service,
3109 or rescue organization, whether governmental or not, of any county or municipality of
3110 this state for volunteer services, which are not prohibited by Code Section 38-3-36,
3111 rendered in such capacity and only if the governing authority of the county or
3112 municipality for which such services are rendered shall provide by appropriate resolution
3113 for inclusion of such volunteer members or workers; and any person certified by the
3114 Department of Public Health or the Georgia Composite Medical Board and registered
3115 with any county or municipality of this state as a medical first responder for any
3116 volunteer first responder services rendered in such capacity, which are not prohibited by
3117 Code Section 38-3-36 and only if the governing authority of the county or municipality
3118 for which such services are rendered shall provide by appropriate resolution for inclusion
3119 of such responders. The various elected county officers and elected members of the
3120 governing authority of an individual county shall also be included in this definition, if the
3121 governing authority of ~~said~~ such county shall provide therefor by appropriate resolution.
3122 For the purposes of workers' compensation coverage, employees of county and district
3123 health agencies established under Chapter 3 of Title 31 are deemed and shall be
3124 considered employees of the State of Georgia and employees of community service
3125 boards established under Chapter 2 of Title 37 shall be considered to be employees of the
3126 state. For the purpose of workers' compensation coverage, members of the Georgia
3127 National Guard and the State Defense Force serving on state active duty pursuant to an
3128 order by the Governor are deemed and shall be considered to be employees of this state.
3129 A person shall be an independent contractor and not an employee if such person has a
3130 written contract as an independent contractor and if such person buys a product and
3131 resells it, receiving no other compensation, or provides an agricultural service or such
3132 person otherwise qualifies as an independent contractor. Notwithstanding the foregoing
3133 provisions of this paragraph, any officer of a corporation may elect to be exempt from
3134 coverage under this chapter by filing written certification of such election with the insurer
3135 or, if there is no insurer, the State Board of Workers' Compensation as provided in Code

3136 Section 34-9-2.1. For purposes of this chapter, an owner-operator as such term is defined
 3137 in Code Section 40-2-87 shall be deemed to be an independent contractor. Inmates or
 3138 persons participating in a work release program, community service program, or similar
 3139 program as part of the punishment for violation of a municipal ordinance pursuant to
 3140 Code Section 36-32-5 or a county ordinance or a state law shall not be deemed to be an
 3141 employee while participating in work or training or while going to and from the work site
 3142 or training site, unless such inmate or person is employed for private gain in violation of
 3143 Code Section 42-1-5 or Code Section ~~42-8-70~~ 42-3-50 or unless the municipality or
 3144 county had voluntarily established a policy, on or before January 1, 1993, to provide
 3145 workers' compensation benefits to such individuals. Individuals who are parties to a
 3146 franchise agreement as set out by the Federal Trade Commission franchise disclosure
 3147 rule, 16 C.F.R. 436.1 through 436.11, shall not be deemed employees for purposes of this
 3148 chapter."

3149 SECTION 5-54.

3150 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 3151 agencies, is amended by revising subsections (b) and (g) of Code Section 35-3-36, relating
 3152 to duties of state criminal justice agencies as to submission of fingerprints, photographs, and
 3153 other identifying data to the Georgia Crime Information Center and responsibility for
 3154 accuracy, as follows:

3155 "(b) It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, courts,
 3156 judges, ~~parole and probation officers~~ community supervision officers, county or department
 3157 of Juvenile Justice juvenile probation officers, probation officers serving pursuant to
 3158 Article 6 of Chapter 8 of Title 42, wardens, or other persons in charge of penal and
 3159 correctional institutions in this state to furnish the center with any other data deemed
 3160 necessary by the center to carry out its responsibilities under this article."

3161 "(g) All persons in charge of law enforcement agencies, all clerks of court, all municipal
 3162 judges where they have no clerks, all magistrates, and all persons in charge of ~~state and~~
 3163 ~~county probation and parole~~ community supervision, juvenile probation, or Article 6 of
 3164 Chapter 8 of Title 42 probation offices shall supply the center with the information
 3165 described in Code Section 35-3-33 on the basis of the forms and instructions to be supplied
 3166 by the center."

3167 SECTION 5-55.

3168 Said title is further amended by revising subsection (a) of Code Section 35-6A-3, relating to
 3169 membership, vacancies, and membership not bar to holding public office relative to the
 3170 Criminal Justice Coordinating Council, as follows:

3171 "(a) The Criminal Justice Coordinating Council shall consist of ~~24~~ 26 members and shall
3172 be composed as follows:

3173 (1) The chairperson of the Georgia Peace Officer Standards and Training Council, the
3174 director of homeland security, the chairperson of the Judicial Council of Georgia, the
3175 chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the
3176 commissioner of corrections, the chairperson of the Board of Corrections, the
3177 commissioner of community supervision, the chairperson of the Board of Community
3178 Supervision, the vice chairperson of the Board of Public Safety, the chairperson of the
3179 State Board of Pardons and Paroles, the State School Superintendent, the commissioner
3180 of community affairs, the president of the Council of Juvenile Court Judges, the
3181 chairperson of the Georgia Public Defender Standards Council, the chairperson of the
3182 Governor's Office for Children and Families, and the commissioner of juvenile justice or
3183 their designees shall be ex officio members of the council, as full voting members of the
3184 council by reason of their office; and

3185 (2) Ten members shall be appointed by the Governor for terms of four years, their initial
3186 appointments, however, being four for four-year terms, two for three-year terms, and four
3187 for two-year terms. Appointments shall be made so that there are always on the council
3188 the following persons: one county sheriff, one chief of police, one mayor, one county
3189 commissioner, one superior court judge, four individuals who shall be, by virtue of their
3190 training or experience, knowledgeable in the operations of the criminal justice system of
3191 this state, and one individual who shall be, by virtue of his or her training and experience,
3192 knowledgeable in the operations of the entire spectrum of crime victim assistance
3193 programs delivering services to victims of crime. No person shall serve beyond the time
3194 he or she holds the office or employment by reason of which he or she was initially
3195 eligible for appointment."

3196 **SECTION 5-56.**

3197 Said title is further amended by revising paragraphs (7) and (8) of Code Section 35-8-2,
3198 relating to definitions relative to the employment and training of peace officers, as follows:

3199 "(7) 'Law enforcement unit' means:

3200 (A) Any agency, organ, or department of this state, a subdivision or municipality
3201 thereof, or a railroad whose primary functions include the enforcement of criminal or
3202 traffic laws, the preservation of public order, the protection of life and property, or the
3203 prevention, detection, or investigation of crime;

3204 (B) The Office of Permits and Enforcement of the Department of Transportation, the
3205 Department of Juvenile Justice and its institutions and facilities for the purpose of
3206 personnel who are authorized to exercise the power of arrest and who are employed or

3207 appointed by such department or institutions, and the office or section in the
 3208 Department of Juvenile Justice in which persons are assigned who have been
 3209 designated by the commissioner to investigate and apprehend delinquent children and
 3210 any child with a pending juvenile court case alleging the child to be a child in need of
 3211 services; and

3212 (C) The Department of Corrections, the Department of Community Supervision, the
 3213 State Board of Pardons and Paroles, municipal correctional institutions employing 300
 3214 or more correctional officers, and county correctional institutions for the purpose of
 3215 personnel who are authorized to exercise the power of arrest and who are employed or
 3216 appointed by ~~said~~ such department, board, or institutions.

3217 (8) 'Peace officer' means, for purposes of this chapter only:

3218 (A) An agent, operative, or officer of this state, a subdivision or municipality thereof,
 3219 or a railroad who, as an employee for hire or as a volunteer, is vested either expressly
 3220 by law or by virtue of public employment or service with authority to enforce the
 3221 criminal or traffic laws through the power of arrest and whose duties include the
 3222 preservation of public order, the protection of life and property, and the prevention,
 3223 detection, or investigation of crime;

3224 (B) An enforcement officer who is employed by the Department of Transportation in
 3225 its Office of Permits and Enforcement and any person employed by the Department of
 3226 Juvenile Justice who is designated by the commissioner to investigate and apprehend
 3227 delinquent children and any child with a pending juvenile court case alleging the child
 3228 to be a child in need of services;

3229 (B.1) Personnel who are authorized to exercise the power of arrest, who are employed
 3230 or appointed by the Department of Juvenile Justice, and whose full-time duties include
 3231 the preservation of public order, the protection of life and property, the detection of
 3232 crime, the supervision of delinquent children in the department's institutions, facilities,
 3233 or programs, or the supervision of delinquent children under intensive supervision in
 3234 the community;

3235 (C) Personnel who are authorized to exercise the power of arrest and who are
 3236 employed or appointed by the Department of Corrections, the Department of
 3237 Community Supervision, the State Board of Pardons and Paroles, municipal
 3238 correctional institutions employing 300 or more correctional officers, county probation
 3239 systems, and county correctional institutions; and

3240 (D) An administrative investigator who is an agent, operative, investigator, or officer
 3241 of this state whose duties include the prevention, detection, and investigation of
 3242 violations of law and the enforcement of administrative, regulatory, licensing, or
 3243 certification requirements of his or her respective employing agency.

3244 Law enforcement support personnel are not peace officers within the meaning of this
 3245 chapter, but they may be certified upon voluntarily complying with the certification
 3246 provisions of this chapter."

3247 **SECTION 5-57.**

3248 Said title is further amended by revising subsections (a) and (b) of Code Section 35-8-3,
 3249 relating to establishment of the Georgia Peace Officer Standards and Training Council,
 3250 membership, organization, and administrative assignment to the Department of Public
 3251 Safety, as follows:

3252 "(a) The Georgia Peace Officer Standards and Training Council is established. The
 3253 council shall consist of ~~19~~ 20 voting members and five advisory members.

3254 (b) The voting members shall consist of:

3255 (1) An appointee of the Governor who is not the Attorney General, the commissioner of
 3256 public safety or his or her designee, the director of investigation of the Georgia Bureau
 3257 of Investigation or his or her designee, the president of the Georgia Association of Chiefs
 3258 of Police or his or her designee, the president of the Georgia Sheriffs Association or his
 3259 or her designee, the president of the Georgia Municipal Association or his or her
 3260 designee, the president of the Association County Commissioners of Georgia or his or her
 3261 designee, the president of the Peace Officers' Association of Georgia or his or her
 3262 designee, the commissioner of corrections or his or her designee, the commissioner of
 3263 community supervision or his or her designee, the chairperson of the State Board of
 3264 Pardons and Paroles or his or her designee, and the president of the Georgia Prison
 3265 Wardens Association or his or her designee, who shall be ex officio members of the
 3266 council;

3267 (2) Six members who shall be appointed by the Governor for terms of four years, their
 3268 initial appointments, however, being two for four-year terms, two for three-year terms,
 3269 and two for two-year terms. Appointments shall be made so that there are always on the
 3270 council the following persons who are appointed by the Governor: one chief of police;
 3271 two municipal police officers other than a chief of police; one county sheriff; one city
 3272 manager or mayor; and one county commissioner. No person shall serve beyond the time
 3273 he or she holds the office or employment by reason of which he or she was initially
 3274 eligible for appointment. Vacancies shall be filled in the same manner as the original
 3275 appointment and successors shall serve for the unexpired term. Any member may be
 3276 appointed for additional terms; and

3277 (3) Two members who are peace officers and who shall be appointed by the Governor
 3278 for terms of four years. Neither person shall serve beyond the time he or she is actively

3279 employed or serves as a peace officer. Vacancies shall be filled in the same manner as
 3280 the original appointment and successors shall serve for the unexpired term."

3281 **SECTION 5-58.**

3282 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
 3283 revising subsection (a) of Code Section 37-2-4, relating to the Behavioral Health
 3284 Coordinating Council, membership, meetings, and obligations, as follows:

3285 "(a) There is created the Behavioral Health Coordinating Council. The council shall
 3286 consist of the commissioner of behavioral health and developmental disabilities; the
 3287 commissioner of community health; the commissioner of public health; the commissioner
 3288 of human services; the commissioner of juvenile justice; the commissioner of corrections;
 3289 the commissioner of community supervision; the commissioner of community affairs; the
 3290 Commissioner of Labor; the State School Superintendent; the chairperson of the State
 3291 Board of Pardons and Paroles; the ombudsman appointed pursuant to Code Section
 3292 37-2-32; an adult consumer of public behavioral health services, appointed by the
 3293 Governor; a family member of a consumer of public behavioral health services, appointed
 3294 by the Governor; a parent of a child receiving public behavioral health services, appointed
 3295 by the Governor; a member of the House of Representatives, appointed by the Speaker of
 3296 the House of Representatives; and a member of the Senate, appointed by the Lieutenant
 3297 Governor."

3298 **SECTION 5-59.**

3299 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 3300 amended by revising subsection (c) of Code Section 40-5-64, relating to limited driving
 3301 permits for certain offenders, as follows:

3302 "(c) **Standards for approval.** The department shall issue a limited driving permit if the
 3303 application indicates that refusal to issue such permit would cause extreme hardship to the
 3304 applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the
 3305 purposes of this Code section, 'extreme hardship' means that the applicant cannot
 3306 reasonably obtain other transportation, and therefore the applicant would be prohibited
 3307 from:

- 3308 (1) Going to his or her place of employment;
- 3309 (2) Receiving scheduled medical care or obtaining prescription drugs;
- 3310 (3) Attending a college or school at which he or she is regularly enrolled as a student;
- 3311 (4) Attending regularly scheduled sessions or meetings of support organizations for
 3312 persons who have addiction or abuse problems related to alcohol or other drugs, which
 3313 organizations are recognized by the commissioner;

- 3314 (5) Attending under court order any driver education or improvement school or alcohol
 3315 or drug program or course approved by the court which entered the judgment of
 3316 conviction resulting in suspension of his or her driver's license or by the commissioner;
 3317 (6) Attending court, reporting to a ~~probation office or officer~~, community supervision,
 3318 juvenile probation, or Article 6 of Chapter 8 of Title 42 probation office or reporting to
 3319 a community supervision officer, county or Department of Juvenile Justice juvenile
 3320 probation officer, or probation officer serving pursuant to Article 6 of Chapter 8 of Title
 3321 42 or performing community service; or
 3322 (7) Transporting an immediate family member who does not hold a valid driver's license
 3323 for work, medical care, or prescriptions or to school."

3324 **SECTION 5-60.**

3325 Said title is further amended by revising subsection (b) of Code Section 40-5-81, relating to
 3326 program optional and certification and approval of courses relative to defensive driving
 3327 courses or alcohol or drug programs, as follows:

3328 "(b) Whenever any person is authorized or required to attend a driver improvement clinic
 3329 or DUI Alcohol or Drug Use Risk Reduction Program as a condition of any sentence
 3330 imposed under this title or any ordinance enacted pursuant to this title or as a condition of
 3331 the retention or restoration of the person's driving privilege, such person, in complying with
 3332 such condition, shall be authorized to attend any driver improvement clinic approved under
 3333 this article or DUI Alcohol or Drug Use Risk Reduction Program certified under this
 3334 article; and no judicial officer, ~~probation~~ community supervision officer, law enforcement
 3335 officer, or other officer or employee of a court or person who owns, operates, or is
 3336 employed by a private company which has contracted to provide private probation services
 3337 for misdemeanor cases shall specify, directly or indirectly, a particular driver improvement
 3338 clinic or DUI Alcohol or Drug Use Risk Reduction Program which the person may or shall
 3339 attend. This Code section shall not prohibit any judicial officer, ~~probation~~ community
 3340 supervision officer, law enforcement officer, or other officer or employee of a court or
 3341 owner, operator, or employee of a private company which has contracted to provide
 3342 probation services for misdemeanor offenders from furnishing any person, upon request,
 3343 the names of approved driver improvement clinics or certified DUI Alcohol or Drug Use
 3344 Risk Reduction Programs."

3345 **SECTION 5-61.**

3346 Said title is further amended by revising subsection (d) of Code Section 40-5-83, relating to
 3347 establishment and approval of driver improvement clinics and programs, out-of-state

3348 certificates of completion, instructor licenses, fees, operation of clinics by employees of
 3349 probation division, and submission of fingerprints by applicants, as follows:

3350 "(d) Notwithstanding the provisions of any law or rule or regulation which prohibits any
 3351 individual who ~~is a~~ was a probation officer or other official or employee of the probation
 3352 division of the Department of Corrections on or before June, 30, 2015, or a spouse of such
 3353 individual from owning, operating, instructing at, or being employed by a driver
 3354 improvement clinic, any individual who ~~is~~ was a probation officer or other official or
 3355 employee of the probation division of the Department of Corrections on or before June 30,
 3356 2015, or a spouse of such individual who owns, operates, instructs at, or is employed by
 3357 a driver improvement clinic ~~on June 1, 1985, and who in all respects is and remains~~ shall
 3358 remain qualified to own, operate, instruct at, or be employed by a driver improvement
 3359 clinic ~~is expressly authorized to continue on and after June 1, 1985, and~~ to engage in such
 3360 activities. Any individual who is an employee of the Department of Community
 3361 Supervision or a spouse of such individual who owns, operates, instructs at, or is employed
 3362 by a driver improvement clinic on July 1, 2015, and who in all respects is and remains
 3363 qualified to own, operate, instruct at, or be employed by a driver improvement clinic shall
 3364 be expressly authorized to continue on and after June 1, 2015, to engage in such activities.
 3365 No person who owns, operates, or is employed by a private company which has contracted
 3366 to provide probation services for misdemeanor cases shall be authorized to own, operate,
 3367 be an instructor at, or be employed by a driver improvement clinic or a DUI Alcohol or
 3368 Drug Use Risk Reduction Program."

3369 SECTION 5-62.

3370 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 3371 by revising subparagraph (F) of paragraph (6) of Code Section 42-1-1, relating to definitions,
 3372 as follows:

3373 "(F) Electronic monitoring, as such term is defined in Code Section ~~42-8-151~~ 42-3-111;
 3374 and"

3375 SECTION 5-63.

3376 Said title is further amended by revising Code Section 42-1-10, relating to preliminary urine
 3377 screen drug tests, as follows:

3378 "42-1-10.

3379 (a) Any ~~probation officer, parole officer, or other~~ community supervision officer of the
 3380 Department of Community Supervision or official or employee of the Department of
 3381 Corrections who supervises any person covered under the provisions of paragraphs (1)
 3382 through (7) of this subsection shall be exempt from the provisions of Chapter 22 of Title

3383 31 for the limited purposes of administering a preliminary urine screen drug test to any
 3384 person who is:

- 3385 (1) Incarcerated;
- 3386 (2) Released as a condition of probation for a felony or misdemeanor;
- 3387 (3) Released as a condition of conditional release;
- 3388 (4) Released as a condition of parole;
- 3389 (5) Released as a condition of provisional release;
- 3390 (6) Released as a condition of pretrial release; or
- 3391 (7) Released as a condition of control release.

3392 (b) The Department of Corrections, Department of Community Supervision, and the State
 3393 Board of Pardons and Paroles shall develop a procedure for the performance of preliminary
 3394 urine screen drug tests in accordance with the manufacturer's standards for certification.
 3395 Community supervision officers of the Department of Community Supervision or
 3396 ~~Probation officers, parole officers, or other~~ officials or employees of the Department of
 3397 Corrections who are supervisors of any person covered under paragraphs (1) through (7)
 3398 of subsection (a) of this Code section shall be authorized to perform preliminary urine
 3399 screen drug tests in accordance with such procedure. Such procedure shall include
 3400 instructions as to a confirmatory test by a licensed clinical laboratory where necessary."

3401 **SECTION 5-64.**

3402 Said title is further amended by revising subsection (c) of Code Section 42-1-11, relating to
 3403 notification of crime victim of impending release of offender from imprisonment, as follows:
 3404 "(c) The notice given to a victim of a crime against a person or sexual offense ~~must~~ shall
 3405 include the conditions governing the offender's release or transfer and either the identity
 3406 of the corrections agent or the ~~county~~ community supervision officer who will be
 3407 supervising the offender's release or a means to identify the agency that will be supervising
 3408 the offender's release. The custodial authority complies with this Code section upon
 3409 mailing the notice of impending release to the victim at the address which the victim has
 3410 most recently provided to the custodial authority in writing."

3411 **SECTION 5-65.**

3412 Said title is further amended by revising paragraph (2) of subsection (a) and adding a new
 3413 subsection to Code Section 42-1-12, relating to the State Sexual Offender Registry, to read
 3414 as follows:

3415 "(2) 'Appropriate official' means:

- 3416 (A) With respect to a sexual offender who is sentenced to probation without any
- 3417 sentence of incarceration in the state prison system or who is sentenced pursuant to

3418 Article 3 of Chapter 8 of this title, relating to first offenders, the ~~Division of Probation~~
 3419 ~~of the Department of Corrections~~ Department of Community Supervision;

3420 (B) With respect to a sexual offender who is sentenced to a period of incarceration in
 3421 a prison under the jurisdiction of the Department of Corrections and who is
 3422 subsequently released from prison or placed on probation, the commissioner of
 3423 corrections or his or her designee;

3424 (C) With respect to a sexual offender who is placed on parole, the chairperson of the
 3425 State Board of Pardons and Paroles or his or her designee; and

3426 (D) With respect to a sexual offender who is placed on probation through a private
 3427 probation agency, the director of the private probation agency or his or her designee."

3428 "(c.1) The Department of Community Supervision shall keep all records of sexual
 3429 offenders in a secure facility in accordance with Code Sections 15-1-10, 15-6-62, and
 3430 15-6-62.1 until official proof of death of a registered sexual offender; thereafter, the records
 3431 shall be destroyed."

3432 **SECTION 5-66.**

3433 Said title is further amended by revising Code Section 42-1-14, relating to risk assessment
 3434 classification, classification as "sexually dangerous predator," and electronic monitoring, as
 3435 follows:

3436 "42-1-14.

3437 (a)(1) The board shall determine the likelihood that a sexual offender will engage in
 3438 another crime against a victim who is a minor or a dangerous sexual offense. The board
 3439 shall make such determination for any sexual offender convicted on or after July 1, 2006,
 3440 of a criminal offense against a victim who is a minor or a dangerous sexual offense and
 3441 for any sexual offender incarcerated on July 1, 2006, but convicted prior to July 1, 2006,
 3442 of a criminal offense against a victim who is a minor. Any sexual offender who changes
 3443 residence from another state or territory of the United States or any other place to this
 3444 state and who is not already designated under Georgia law as a sexually dangerous
 3445 predator, sexual predator, or a sexually violent predator shall have his or her required
 3446 registration information forwarded by the sheriff of his or her county of registration to the
 3447 board for the purpose of risk assessment classification. The board shall also make such
 3448 determination upon the request of a superior court judge for purposes of considering a
 3449 petition to be released from registration restrictions or residency or employment
 3450 restrictions as provided for in Code Section 42-1-19.

3451 (2) A sexual offender shall be placed into Level I risk assessment classification, Level
 3452 II risk assessment classification, or sexually dangerous predator classification based upon
 3453 the board's assessment criteria and information obtained and reviewed by the board. The

3454 sexual offender may provide the board with information, including, but not limited to,
 3455 psychological evaluations, sexual history polygraph information, treatment history, and
 3456 personal, social, educational, and work history, and may agree to submit to a
 3457 psychosexual evaluation or sexual history polygraph conducted by the board. If the
 3458 sexual offender has undergone treatment or supervision through the Department of
 3459 Corrections or the Department of Community Supervision, such treatment records shall
 3460 also be submitted to the board for evaluation. The prosecuting attorney shall provide the
 3461 board with any information available to assist the board in rendering an opinion,
 3462 including, but not limited to, criminal history and records related to previous criminal
 3463 history. The board shall utilize the Georgia Bureau of Investigation to assist it in
 3464 obtaining information relative to its evaluation of sexual offenders and the Georgia
 3465 Bureau of Investigation shall provide the board with information as requested by the
 3466 board. The board shall be authorized to obtain information from supervision records of
 3467 the State Board of Pardons and Paroles regarding such sexual offender, but such records
 3468 shall remain confidential state secrets in accordance with Code Section 42-9-53 and shall
 3469 not be made available to any other person or entity or be subject to subpoena unless
 3470 declassified by the State Board of Pardons and Paroles. The clerk of court shall send a
 3471 copy of the sexual offender's conviction to the board and notify the board that a sexual
 3472 offender's evaluation will need to be performed. The board shall render its
 3473 recommendation for risk assessment classification within:

3474 (A) Sixty days of receipt of a request for an evaluation if the sexual offender is being
 3475 sentenced pursuant to subsection (c) of Code Section 17-10-6.2;

3476 (B) Six months prior to the sexual offender's proposed release from confinement if the
 3477 offender is incarcerated;

3478 (C) Sixty days of receipt of the required registration information from the sheriff when
 3479 the sexual offender changes residence from another state or territory of the United
 3480 States or any other place to this state and is not already classified;

3481 (D) Sixty days if the sexual offender is sentenced to a probated or suspended sentence;
 3482 and

3483 (E) Ninety days if such classification is requested by the court pursuant to a petition
 3484 filed under Code Section 42-1-19.

3485 (3) The board shall notify the ~~sex~~ sexual offender by first-class mail of its determination
 3486 of risk assessment classification and shall send a copy of such classification to the
 3487 Georgia Bureau of Investigation, the Department of Corrections, the Department of
 3488 Community Supervision, the sheriff of the county where the sexual offender is registered,
 3489 and the sentencing court, if applicable.

3490 (b) If the board determines that a sexual offender should be classified as a Level II risk
3491 assessment classification or as a sexually dangerous predator, the sexual offender may
3492 petition the board to reevaluate his or her classification. To file a petition for reevaluation,
3493 the sexual offender shall be required to submit his or her written petition for reevaluation
3494 to the board within 30 days from the date of the letter notifying the sexual offender of his
3495 or her classification. The sexual offender shall have 60 days from the date of the
3496 notification letter to submit information as provided in subsection (a) of this Code section
3497 in support of the sexual offender's petition for reevaluation. If the sexual offender fails to
3498 submit the petition or supporting documents within the time limits provided, the
3499 classification shall be final. The board shall notify the sexual offender by first-class mail
3500 of its decision on the petition for reevaluation of risk assessment classification and shall
3501 send a copy of such notification to the Georgia Bureau of Investigation, the Department of
3502 Corrections, the Department of Community Supervision, the sheriff of the county where
3503 the sexual offender is registered, and the sentencing court, if applicable.

3504 (c) A sexual offender who is classified by the board as a Level II risk assessment
3505 classification or as a sexually dangerous predator may file a petition for judicial review of
3506 his or her classification within 30 days of the date of the notification letter or, if the sexual
3507 offender has requested reevaluation pursuant to subsection (b) of this Code section, within
3508 30 days of the date of the letter denying the petition for reevaluation. The petition for
3509 judicial review shall name the board as defendant, and the petition shall be filed in the
3510 superior court of the county where the offices of the board are located. Within 30 days
3511 after service of the appeal on the board, the board shall submit a summary of its findings
3512 to the court and mail a copy, by first-class mail, to the sexual offender. The findings of the
3513 board shall be considered prima-facie evidence of the classification. The court shall also
3514 consider any relevant evidence submitted, and such evidence and documentation shall be
3515 mailed to the parties as well as submitted to the court. The court may hold a hearing to
3516 determine the issue of classification. The court may uphold the classification of the board,
3517 or, if the court finds by a preponderance of the evidence that the sexual offender is not
3518 placed in the appropriate classification level, the court shall place the sexual offender in the
3519 appropriate risk assessment classification. The court's determination shall be forwarded
3520 by the clerk of the court to the board, the sexual offender, the Georgia Bureau of
3521 Investigation, and the sheriff of the county where the sexual offender is registered.

3522 (d) Any individual who was classified as a sexually violent predator prior to July 1, 2006,
3523 shall be classified as a sexually dangerous predator on and after July 1, 2006.

3524 (e) Any sexually dangerous predator shall be required to wear an electronic monitoring
3525 system that shall have, at a minimum:

- 3526 (1) The capacity to locate and record the location of a sexually dangerous predator by a
 3527 link to a global positioning satellite system;
- 3528 (2) The capacity to timely report or record a sexually dangerous predator's presence near
 3529 or within a crime scene or in a prohibited area or the sexually dangerous predator's
 3530 departure from specific geographic locations; and
- 3531 (3) An alarm that is automatically activated and broadcasts the sexually dangerous
 3532 predator's location if the global positioning satellite monitor is removed or tampered with
 3533 by anyone other than a law enforcement official designated to maintain and remove or
 3534 replace the equipment.
- 3535 Such electronic monitoring system shall be worn by a sexually dangerous predator for the
 3536 remainder of his or her natural life. The sexually dangerous predator shall pay the cost of
 3537 such system to the Department of ~~Corrections~~ Community Service if the sexually
 3538 dangerous predator is ~~on probation; to the State Board of Pardons and Paroles if the~~
 3539 ~~sexually dangerous predator is on parole;~~ under probation or parole supervision and to the
 3540 sheriff after the sexually dangerous predator completes his or her term of probation and
 3541 parole or if the sexually dangerous predator has moved to this state from another state,
 3542 territory, or country. The electronic monitoring system shall be placed upon the sexually
 3543 dangerous predator prior to his or her release from confinement. If the sexual offender is
 3544 not in custody, within 72 hours of the decision classifying the sexual offender as a sexually
 3545 dangerous predator in accordance with subsection (b) of this Code section, the sexually
 3546 dangerous predator shall report to the sheriff of the county of his or her residence for
 3547 purposes of having the electronic monitoring system placed on the sexually dangerous
 3548 predator.
- 3549 (f) In addition to the requirements of registration for all sexual offenders, a sexually
 3550 dangerous predator shall report to the sheriff of the county where such predator resides six
 3551 months following his or her birth month and update or verify his or her required
 3552 registration information."

3553 **SECTION 5-67.**

3554 Said title is further amended by revising subsection (f) of Code Section 42-1-19, relating to
 3555 petition for release from registration requirements, as follows:

- 3556 "(f) The court may issue an order releasing the individual from registration requirements
 3557 or residency or employment restrictions, in whole or part, if the court finds by a
 3558 preponderance of the evidence that the individual does not pose a substantial risk of
 3559 perpetrating any future dangerous sexual offense. The court may release an individual
 3560 from such requirements or restrictions for a specific period of time. The court shall send
 3561 a copy of any order releasing an individual from any requirements or restrictions to the

3562 sheriff and the district attorney of the jurisdiction where the petition is filed, to the sheriff
 3563 of the county where the individual resides, to the Department of Corrections, to the
 3564 Department of Community Supervision, and to the Georgia Bureau of Investigation."

3565 **SECTION 5-68.**

3566 Said title is further amended by revising subsection (c) of Code Section 42-2-11, relating to
 3567 powers and duties of the Board of Corrections and adoption of rules and regulations, as
 3568 follows:

3569 "(c)(1) The board shall adopt rules governing the assignment, housing, working, feeding,
 3570 clothing, treatment, discipline, rehabilitation, training, and hospitalization of all inmates
 3571 coming under its custody.

3572 (2)(A) As used in this paragraph, the term:

3573 (i) 'Evidence based practices' means supervision policies, procedures, programs, and
 3574 practices that scientific research demonstrates reduce recidivism among individuals
 3575 who are under some form of correctional supervision.

3576 (ii) 'Recidivism' means returning to prison or jail within three years of being placed
 3577 on probation or being discharged or released from a department or jail facility.

3578 (B) The board shall adopt rules and regulations governing the management and
 3579 treatment of inmates ~~and probationers coming under its custody~~ to ensure that evidence
 3580 based practices, including the use of a risk and needs assessment and any other method
 3581 the board deems appropriate, guide decisions related to preparing inmates for release
 3582 into the community ~~and managing probationers in the community~~. The board shall
 3583 require the department to collect and analyze data and performance outcomes relevant
 3584 to the level and type of treatment given to an inmate ~~or probationer~~ and the outcome of
 3585 the treatment on his or her recidivism and prepare an annual report regarding such
 3586 information which shall be submitted to the Governor, the Lieutenant Governor, the
 3587 Speaker of the House of Representatives, and the chairpersons of the House Committee
 3588 on State Properties and the Senate State Institutions and Property Committee."

3589 **SECTION 5-69.**

3590 Said title is further amended by revising paragraphs (3) and (4) of subsection (a) of Code
 3591 Section 42-2-15, relating to the employee benefit fund of the Department of Corrections, as
 3592 follows:

3593 "(3) 'Executive director of the facility' means the warden, superintendent, ~~chief probation~~
 3594 ~~official~~, or such other head of a facility.

3595 (4) 'Facility' means a prison, institution, detention center, diversion center, ~~probation~~
 3596 ~~office~~, or such other similar property under the jurisdiction or operation of the
 3597 department."

3598 **SECTION 5-70.**

3599 Said title is further amended by revising paragraph (3) of Code Section 42-4-50, relating to
 3600 definitions relative to medical services for inmates, as follows:

3601 "(3) 'Inmate' means a person who is detained in a detention facility by reason of being
 3602 charged with or convicted of a felony, a misdemeanor, or a municipal offense. Such term
 3603 does not include any sentenced inmate who is the responsibility of the ~~State~~ Department
 3604 of Corrections."

3605 **SECTION 5-71.**

3606 Said title is further amended by revising paragraph (5) of subsection (a) of Code Section
 3607 42-5-50, relating to transmittal of information on convicted persons, as follows:

3608 "(5) A copy of the sentencing information report is required in all jurisdictions with an
 3609 options system day reporting center certified by the ~~department~~ Department of
 3610 Community Supervision. The failure to provide the sentencing information report shall
 3611 not cause an increase in the 15 day time period for the department to assign the inmate
 3612 to a correctional institution as set forth in subsection (b) of this Code section."

3613 **SECTION 5-72.**

3614 Said title is further amended by repealing in its entirety Article 4 of Chapter 8, relating to
 3615 participation of probationers in community service programs, and designating said article as
 3616 reserved.

3617 **SECTION 5-73.**

3618 Said title is further amended by revising subsections (c) and (d) of Code Section 42-8-112,
 3619 relating to timing for issuance of ignition interlock device limited driving permit,
 3620 documentation required, and reporting requirement, as follows:

3621 "(c) Each resident of this state who is required to have an ignition interlock device installed
 3622 pursuant to this article shall report to the provider center every 30 days for the purpose of
 3623 monitoring the operation of each required ignition interlock device. If at any time it is
 3624 determined that a person has tampered with the device, the Department of Driver Services
 3625 shall be given written notice within five days by the ~~probation~~ community supervision
 3626 officer, the court ordering the use of such device, or the interlock provider. If an ignition

3627 interlock device is found to be malfunctioning, it shall be replaced or repaired, as ordered
3628 by the court or the Department of Driver Services, at the expense of the provider.

3629 (d)(1) If a person required to report to an ignition interlock provider as required by
3630 subsection (c) of this Code section fails to report to the provider as required or receives
3631 an unsatisfactory report from the provider at any time during the one-year period, the
3632 Department of Driver Services shall revoke such person's ignition interlock device
3633 limited driving permit immediately upon notification from the provider of the failure to
3634 report or failure to receive a satisfactory report. Except as provided in paragraph (2) of
3635 this subsection, within 30 days after such revocation, the person may make a written
3636 request for a hearing and remit to the ~~department~~ Department of Driver Services a
3637 payment of \$250.00 for the cost of the hearing. Within 30 days after receiving a written
3638 request for a hearing and a payment of \$250.00, the Department of Driver Services shall
3639 hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative
3640 Procedure Act.' The hearing shall be recorded.

3641 (2) Any person whose ignition interlock device limited driving permit was revoked on
3642 or before July 1, 2004, for failure to report or failure to receive a satisfactory report may
3643 make a written request for a hearing and remit to the ~~department~~ Department of Driver
3644 Services a payment of \$250.00 for the cost of the hearing. Within 30 days after receiving
3645 a written request for a hearing and a payment of \$250.00, the Department of Driver
3646 Services shall hold a hearing as provided in Chapter 13 of Title 50, the 'Georgia
3647 Administrative Procedure Act.' The hearing shall be recorded.

3648 (3) If the hearing officer determines that the person failed to report to the ignition
3649 interlock provider for any of the reasons specified in this paragraph, the Department of
3650 Driver Services shall issue a new ignition interlock device limited driving permit that
3651 shall be valid for a period of one year to such person. Such reasons shall be for
3652 providential cause and shall include, but not be limited to, the following:

- 3653 (A) Medical necessity, as evidenced by a written statement from a medical doctor;
3654 (B) The person was incarcerated;
3655 (C) The person was required to be on the job at his or her place of employment, with
3656 proof that the person would be terminated if he or she was not at work; or
3657 (D) The vehicle with the installed interlock device was rendered inoperable by reason
3658 of collision, fire, or a major mechanical failure.

3659 (4) If the hearing officer determines that the person failed to report to the ignition
3660 interlock provider for any reason other than those specified in paragraph (3) of this
3661 subsection, or if the person received an unsatisfactory report from the provider, after the
3662 expiration of 120 days the person may apply to the ~~department~~ Department of Driver

3663 Services and the ~~department~~ Department of Driver Services shall issue a new ignition
 3664 interlock device limited driving permit to such person.
 3665 (5) This subsection shall not apply to any person convicted of violating Code Section
 3666 42-8-118."

3667 **SECTION 5-74.**

3668 Said title is further amended by revising Code Section 42-8-61, relating to the defendant
 3669 being informed of the terms of the article at the time a sentence is imposed, as follows:
 3670 "42-8-61.
 3671 When a defendant is represented by an attorney, his or her attorney shall be responsible for
 3672 informing the defendant as to his or her eligibility for sentencing as a first offender. When
 3673 a defendant is pro se, the court shall inquire as to the defendant's interest in entering a plea
 3674 pursuant to the terms of this article. If the defendant expresses a desire to be sentenced as
 3675 a first offender, the court shall ask the prosecuting attorney or probation official if the
 3676 defendant is eligible for sentencing as a first offender. When imposing a sentence, the
 3677 court shall ensure that, if a defendant is sentenced as a first offender, he or she is made
 3678 aware of the consequences of entering a first offender plea pursuant to the terms of this
 3679 article. ~~The defendant shall be informed of the terms of this article at the time of~~
 3680 imposition of sentence."

3681 **SECTION 5-75.**

3682 Said title is further amended by revising Code Section 42-8-66, relating to applicability, as
 3683 follows:
 3684 "42-8-66.
 3685 ~~The provisions of this article shall not apply to any person who is convicted of a serious~~
 3686 ~~violent felony as defined in subsection (a) of Code Section 17-10-6.1.~~
 3687 (a) An individual who qualified for sentencing pursuant to this article but who was not
 3688 informed of his or her eligibility for first offender treatment may, with the consent of the
 3689 prosecuting attorney, petition the superior court in the county in which he or she was
 3690 convicted for discharge and exoneration pursuant to this article.
 3691 (b) The court shall hold a hearing on the petition if requested by the petitioner or
 3692 prosecuting attorney or desired by the court.
 3693 (c) In considering a petition pursuant to this Code section, the court may consider any:
 3694 (1) Evidence introduced by the petitioner;
 3695 (2) Evidence introduced by the prosecuting attorney; and
 3696 (3) Other relevant evidence.

3697 (d) The court may issue an order retroactively granting first offender treatment and
 3698 discharge the defendant pursuant to this article if the court finds by a preponderance of the
 3699 evidence that the defendant was eligible for sentencing under the terms of this article at the
 3700 time he or she was originally sentenced and the ends of justice and the welfare of society
 3701 are served by granting such petition.

3702 (e) The court shall send a copy of any order issued pursuant to this Code section to the
 3703 petitioner, the prosecuting attorney, and the Georgia Bureau of Investigation. The Georgia
 3704 Bureau of Investigation shall modify its records accordingly.

3705 (f) This Code section shall not apply to a sentence that may be modified pursuant to
 3706 subsection (f) of Code Section 17-10-1."

3707 **SECTION 5-76.**

3708 Said title is further amended by revising subsection (a) of Code Section 42-8-114, relating
 3709 to specifying provider for ignition interlock device, as follows:

3710 "(a) No judicial officer, ~~probation~~ community supervision officer, law enforcement officer,
 3711 or other officer or employee of a court; person who owns, operates, or is employed by a
 3712 private company which has contracted to provide private probation services for
 3713 misdemeanor cases; or professional bondsman or agent or employee thereof shall specify,
 3714 directly or indirectly, a particular provider center which the person may or shall utilize
 3715 when use of an ignition interlock device is required. This subsection shall not prohibit any
 3716 judicial officer, ~~probation~~ community supervision officer, law enforcement officer, or other
 3717 officer or employee of a court; owner, operator, or employee of a private company which
 3718 has contracted to provide probation services for misdemeanor cases; or professional
 3719 bondsman or agent or employee thereof from furnishing any person, upon request, the
 3720 names of certified provider centers."

3721 **SECTION 5-77.**

3722 Said title is further amended by revising Code Section 42-8-116, relating to warning labels
 3723 on ignition interlock devices, as follows:

3724 "42-8-116.

3725 The providers certified by the Department of Driver Services shall design and adopt
 3726 pursuant to regulations of ~~the~~ such department a warning label which shall be affixed to
 3727 each ignition interlock device upon installation. The label shall contain a warning that any
 3728 person tampering, circumventing, or otherwise misusing the device is guilty of a
 3729 misdemeanor and may be subject to civil liability."

SECTION 5-78.

3730
 3731 Said title is further amended by repealing in its entirety Article 5 of Chapter 8, relating to
 3732 pretrial release and diversion programs, and designating said article as reserved.

SECTION 5-79.

3733
 3734 Said title is further amended by repealing in its entirety Article 8 of Chapter 8, relating to
 3735 diversion center and program.

SECTION 5-80.

3736
 3737 Said title is further amended by repealing in its entirety Article 9 of Chapter 8, relating to
 3738 probation management.

SECTION 5-81.

3739
 3740 Said title is further amended by revising Code Section 42-9-3, relating to "board" defined,
 3741 as follows:

3742 "42-9-3.

3743 As used in this chapter, the term "board":

3744 (1) 'Board' means the State Board of Pardons and Paroles.

3745 (2) 'Community supervision officer' means a person who supervises probationers or
 3746 parolees for the department.

3747 (3) 'Department' means the Department of Community Supervision.

3748 (4) 'Split sentence' means any felony sentence that includes a term of imprisonment
 3749 followed by a term of probation."

SECTION 5-82.

3750
 3751 Said title is further amended by revising Code Section 42-9-9, relating to the State Board of
 3752 Pardons and Paroles employees and retention of badges and weapons, as follows:

3753 "42-9-9.

3754 (a) The board may appoint such clerical, stenographic, supervisory, and expert assistants
 3755 and may establish such qualifications for its employees as it deems necessary. In its
 3756 discretion, the board may discharge such employees.

3757 ~~(b) A certified parole officer leaving the service of the board under honorable conditions~~
 3758 ~~who has accumulated 20 or more years of service with the board as a certified parole~~
 3759 ~~officer shall be entitled as part of such employee's compensation to retain his or her board~~
 3760 ~~issued badge. A certified parole officer employed with the board who is killed in the line~~
 3761 ~~of duty shall be entitled to have his or her board issued badge given to a surviving family~~
 3762 ~~member. Where a certified parole officer leaves the service of the board due to a disability~~

3763 ~~that arose in the line of duty and such disability prevents the parole officer from further~~
 3764 ~~servicing as a peace officer, then such disabled parole officer shall be entitled to retain his~~
 3765 ~~or her board issued badge regardless of the officer's number of years of service with the~~
 3766 ~~board.~~

3767 ~~(c) An employee leaving the service of the board under honorable conditions who has~~
 3768 ~~accumulated 20 or more years of service with the board as a certified officer shall be~~
 3769 ~~entitled as part of such employee's compensation to retain his or her board issued weapon.~~

3770 ~~(d) The board is authorized to promulgate rules and regulations for the implementation of~~
 3771 ~~this Code section."~~

3772 **SECTION 5-83.**

3773 Said title is further amended by revising Code Section 42-9-20, relating to general duties of
 3774 the State Board of Pardons and Paroles, as follows:

3775 "42-9-20.

3776 (a) In all cases in which the ~~chairman~~ chairperson of the board or any other member
 3777 designated by the board has suspended the execution of a death sentence to enable the full
 3778 board to consider and pass on same, it shall be mandatory that the board act within a period
 3779 not exceeding 90 days from the date of the suspension order. In the cases which the board
 3780 has power to consider, the board shall be charged with the duty of determining which
 3781 inmates serving sentences imposed by a court of this state may be released on pardon or
 3782 parole and fixing the time and conditions thereof. The board shall also be charged with the
 3783 ~~duty of supervising all persons placed on parole,~~ duty of determining violations thereof of parole
 3784 ~~and of taking action with reference thereto, of and~~ and making such investigations as may be
 3785 necessary, ~~and of aiding parolees or probationers in securing employment.~~ It shall be the
 3786 duty of the board personally to study the cases of those inmates whom the board has power
 3787 to consider so as to determine their ultimate fitness for such relief as the board has power
 3788 to grant. The board by an affirmative vote of a majority of its members shall have the
 3789 power to commute a sentence of death to one of life imprisonment.

3790 (b) The board shall provide The Council of Superior Court Clerks of Georgia the data set
 3791 forth in Code Section 15-12-40.1, without charge and in the electronic format requested."

3792 **SECTION 5-84.**

3793 Said title is further amended by revising Code Section 42-9-21, relating to supervision of
 3794 persons placed on parole or other conditional release, contracts for services and programs,
 3795 and collection of sums for restitution, as follows:

3796 "42-9-21.

3797 (a) The ~~board~~ department shall have the function and responsibility of supervising all
3798 persons placed on parole or other conditional release by the board.

3799 (b) The ~~board is~~ department shall be authorized to maintain and operate or to enter into
3800 ~~memoranda~~ memorandums of agreement or other written documents evidencing contracts
3801 with other state agencies, persons, or any other entities for transitional or intermediate or
3802 other services or for programs deemed by the board to be necessary for parolees or others
3803 conditionally released from imprisonment by order of the board and to require as a
3804 condition of relief that the offender pay directly to the provider a reasonable fee for ~~said~~
3805 such services or programs.

3806 (c) In all cases where restitution is applicable, the ~~board~~ department shall collect during
3807 the parole period those sums determined to be owed to the victim."

3808 **SECTION 5-85.**

3809 Said title is further amended by revising subsection (b) of Code Section 42-9-41, relating to
3810 duty of board to obtain and place in records information respecting persons subject to relief
3811 or placed on probation, investigations, and rules, as follows:

3812 "(b) The board in its discretion may also obtain and place in its permanent records similar
3813 information on each person who may be placed on probation. The board shall immediately
3814 examine such records and any other records obtained and make such other investigation
3815 as it may deem necessary. It shall be the duty of the court and of all probation community
3816 supervision officers and other appropriate officers to furnish to the board, upon its request,
3817 such information as may be in their possession or under their control. The Department of
3818 Behavioral Health and Developmental Disabilities and all other state, county, and city
3819 agencies, all sheriffs and their deputies, and all peace officers shall cooperate with the
3820 board and shall aid and assist it in the performance of its duties. The board may make such
3821 rules as to the privacy or privilege of such information and as to its use by persons other
3822 than the board and its staff as may be deemed expedient in the performance of its duties."

3823 **SECTION 5-86.**

3824 Said title is further amended by revising subsection (d) of Code Section 42-9-42, relating to
3825 procedure for granting relief from sentence, conditions and prerequisites, and violation of
3826 parole, as follows:

3827 "(d)(1) Any person who is paroled shall be released on such terms and conditions as the
3828 board shall prescribe. The board shall diligently see that no peonage is allowed in the
3829 guise of parole relationship or supervision. The parolee shall remain in the legal custody

3830 of the board until the expiration of the maximum term specified in his or her sentence or
 3831 until he or she is pardoned by the board.

3832 (2) The board may require the payment of a parole supervision fee of at least \$10.00 per
 3833 month as a condition of parole or other conditional release. The monthly amount shall
 3834 be set by rule of the board and shall be uniform state wide. The board may require or the
 3835 parolee or person under conditional release may request that up to 24 months of the
 3836 supervision fee be paid in advance of the time to be spent on parole or conditional
 3837 release. In such cases, any advance payments are nonreimbursable in the event of parole
 3838 or conditional release revocation or if parole or conditional release is otherwise
 3839 terminated prior to the expiration of the sentence being served on parole or conditional
 3840 release. Such fees shall be collected by the board department to be paid into the general
 3841 fund of the state treasury."

3842 **SECTION 5-87.**

3843 Said title is further amended by revising Code Section 42-9-44, relating to specification of
 3844 terms and conditions of parole; adoption of general and special rules, violation of parole, and
 3845 certain parolees to obtain high school diploma or general educational development (GED)
 3846 diploma, as follows:

3847 "42-9-44.

3848 (a) The board, upon placing a person on parole, shall specify in writing the terms and
 3849 conditions thereof. A certified copy of the conditions shall be given to the parolee.
 3850 Thereafter, a copy shall be sent to the clerk of the court in which the person was convicted.
 3851 The board shall adopt general rules concerning the terms and conditions of parole and
 3852 concerning what shall constitute a violation thereof and shall make special rules to govern
 3853 particular cases. The rules, both general and special, may include, among other things, a
 3854 requirement that the parolee shall not leave this state or any definite area in this state
 3855 without the consent of the board; that the parolee shall contribute to the support of his or
 3856 her dependents to the best of the parolee's ability; that the parolee shall make reparation or
 3857 restitution for his or her crime; that the parolee shall abandon evil associates and ways; and
 3858 that the parolee shall carry out the instructions of his or her ~~parole supervisor~~ community
 3859 supervision officer, and, in general, so comport himself or herself as the parolee's
 3860 ~~supervisor officer~~ shall determine. A violation of the terms of parole may render the
 3861 parolee liable to arrest and a return to a penal institution to serve out the term for which the
 3862 parolee was sentenced.

3863 (b) Each parolee who does not have a high school diploma or a general educational
 3864 development ~~equivalency diploma~~ (GED) diploma shall be required as a condition of
 3865 parole to obtain a high school diploma or general educational development ~~equivalency~~

3866 ~~diploma~~ (GED) diploma or to pursue a trade at a vocational or technical school. Any such
 3867 parolee who demonstrates to the satisfaction of the board an existing ability or skill which
 3868 does in fact actually furnish the parolee a reliable, regular, and sufficient income shall not
 3869 be subject to this provision. Any parolee who is determined by the ~~Department of~~
 3870 ~~Corrections~~ department or the board to be incapable of completing such requirements shall
 3871 only be required to attempt to improve ~~their~~ his or her basic educational skills. Failure of
 3872 any parolee subject to this requirement to attend the necessary schools or courses or to
 3873 make reasonable progress toward fulfillment of such requirement shall be grounds for
 3874 revocation of parole. The board shall establish regulations regarding reasonable progress
 3875 as required by this subsection. This subsection shall apply to paroles granted on or after
 3876 July 1, 1995."

3877 **SECTION 5-88.**

3878 Said title is further amended by revising subsections (c) and (d) of Code Section 42-9-48,
 3879 relating to arrest of parolee or conditional release violator, as follows:

3880 "(c) All officers authorized to serve criminal process, all peace officers of this state, and
 3881 all employees of the ~~board~~ department whom the ~~board~~ commissioner of community
 3882 supervision specifically designates in writing shall be authorized to execute the warrant.
 3883 (d) Any ~~parole supervisor~~ community supervision officer, when he or she has reasonable
 3884 ground to believe that a parolee or conditional releasee has violated the terms or conditions
 3885 of his or her parole or conditional release in a material respect, shall notify the board or
 3886 some member thereof; and proceedings shall thereupon be had as provided in this Code
 3887 section."

3888 **SECTION 5-89.**

3889 Said title is further amended by revising subsection (b) of Code Section 42-9-53, relating to
 3890 preservation of documents, classification of information and documents, divulgence of
 3891 confidential state secrets, and conduct of hearings, as follows:

3892 "(b)(1) All information, both oral and written, received by the members of the board in
 3893 the performance of their duties under this chapter and all records, papers, and documents
 3894 coming into their possession by reason of the performance of their duties under this
 3895 chapter shall be classified as confidential state secrets until declassified by the board;
 3896 provided, however, that the board shall be authorized to disclose to an alleged violator
 3897 of parole or conditional release the evidence introduced against him or her at a final
 3898 hearing on the matter of revocation of parole or conditional release; ~~provided, further,~~
 3899 ~~that the board.~~

3900 (2) The department may make supervision records of the ~~board~~ department available to
 3901 ~~probation~~ officials employed with the Department of Corrections and the Sexual Offender
 3902 Registration Review Board, provided that the same shall remain confidential and not
 3903 available to any other person or subject to subpoena unless declassified by the ~~board~~
 3904 commissioner of community supervision."

3905 SECTION 5-90.

3906 Said title is further amended by revising Code Section 42-9-57, relating to effect of chapter
 3907 on probation power of courts and cooperation by board with local agencies, as follows:

3908 "42-9-57.

3909 Nothing contained in this chapter shall be construed as repealing any power given to any
 3910 court of this state to place offenders on probation or to ~~supervise the same nor any power~~
 3911 ~~of any probation agency set up in any county of the state in conjunction with the courts~~
 3912 provide for terms of offender supervision. The board shall be authorized to cooperate with
 3913 ~~any such agencies~~ the department, except that it shall not assume or pay any financial
 3914 obligations thereof. ~~The board shall also be authorized to cooperate with the courts for the~~
 3915 ~~probation of offenders in those counties in which there is no existing probation agency,~~
 3916 ~~when a court so requests."~~

3917 SECTION 5-91.

3918 Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to
 3919 application fee required for transfer consideration, as follows:

3920 "(b) ~~The Department of Corrections~~ department and the State Board of Pardons and
 3921 Paroles ~~are~~ shall be authorized to require any nonindigent adult offender to pay a \$25.00
 3922 application fee when applying to transfer his or her supervision from Georgia to any other
 3923 state or territory pursuant to the provisions of Articles 3 and 4 of this chapter."

3924 SECTION 5-92.

3925 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 3926 is amended by revising subsection (c) of Code Section 43-12A-5, relating to provider not to
 3927 operate under any name deceptively similar to another, franchising or licensing to another
 3928 licensed provider, and restrictions on certain individuals having stake in provider center, as
 3929 follows:

3930 "(c) A judicial officer, ~~probation~~ community supervision officer, law enforcement officer,
 3931 or other officer or employee of a court or any person employed by a private company
 3932 which has contracted to provide private probation services for misdemeanor cases, or any
 3933 employee of the Department of Driver Services or the Department of Behavioral Health

3934 and Developmental Disabilities, and any immediate family member thereof shall be
 3935 prohibited from owning, operating, being employed by, ~~or~~ acting as an agent or servant for,
 3936 or having a financial interest in any provider center."

3937 **SECTION 5-93.**

3938 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 3939 is amended by revising subsection (e) of Code Section 45-7-9, relating to compensation for
 3940 line-of-duty injuries of full-time state employees and exceptions, as follows:

3941 "(e) Any employee of the Department of Corrections, employee of the Department of
 3942 Community Supervision, employee of the State Board of Pardons and Paroles, employee
 3943 of the Department of Natural Resources, employee of the Department of Revenue, or law
 3944 enforcement officer who qualifies for disability allowances pursuant to Code Section
 3945 47-2-221 shall not be entitled to any benefits provided in this Code section."

3946 **SECTION 5-94.**

3947 Said title is further amended by revising subsection (a) of Code Section 45-7-21, relating to
 3948 expense allowance and travel cost reimbursement for members of certain boards and
 3949 commissions, as follows:

3950 "(a) Each member of the boards and commissions enumerated in this Code section shall
 3951 receive the same expense allowance per day as that received by a member of the General
 3952 Assembly for each day such member of a board or commission is in attendance at a
 3953 meeting of such board or commission, plus reimbursement for actual transportation costs
 3954 while traveling by public carrier or the legal mileage rate for the use of a personal
 3955 automobile in connection with such attendance. The expense allowance and
 3956 reimbursement provided for in this Code section shall be paid in lieu of any per diem,
 3957 allowance, or other remuneration now received by any such member for such attendance.
 3958 The existing law relative to any limitation on the number of meeting days and remuneration
 3959 for service on committees or subcommittees of any such board or commission shall remain
 3960 in effect. The boards and commissions to which this Code section shall be applicable are
 3961 as follows:

- 3962 (1) State Board of Education;
 3963 (2) Board of Regents of the University System of Georgia;
 3964 (2.1) Board of Community Supervision;
 3965 (3) Board of Corrections;
 3966 (4) Board of Economic Development;
 3967 (5) Board of Natural Resources;
 3968 (6) State Transportation Board;

- 3969 (7) Dental Education Board;
- 3970 (8) Georgia Student Finance Commission;
- 3971 (9) Veterans Service Board;
- 3972 (10) Georgia Agricultural Exposition Authority;
- 3973 (11) Georgia Board for Physician Workforce;
- 3974 (12) Georgia Music Hall of Fame Authority;
- 3975 (13) Georgia Sports Hall of Fame Authority;
- 3976 (14) Georgia Rail Passenger Authority;
- 3977 (15) Georgia Tobacco Community Development Board;
- 3978 (16) State Board of the Technical College System of Georgia;
- 3979 (17) Civil War Commission; and
- 3980 (18) The delegation from the State of Georgia to the Southern Dairy Compact
- 3981 Commission."

3982 **SECTION 5-95.**

3983 Said title is further amended by revising paragraph (10) of Code Section 45-9-81, relating

3984 to definitions relative to the Georgia State Indemnification Fund, as follows:

3985 "(10) 'Prison guard' means any person employed by the state or any political subdivision

3986 thereof whose principal duties relate to the supervision and incarceration of persons

3987 accused or convicted of the violation of the criminal laws of this state or any political

3988 subdivision thereof. Such term shall also mean any ~~probation supervisor or parole~~

3989 community supervision officer who is required to be certified under Chapter 8 of Title 35,

3990 the 'Georgia Peace Officer Standards and Training Act,' and whose principal duties

3991 directly relate to the supervision of ~~adult~~ probationers or ~~adult~~ parolees. Such term also

3992 means any person employed by the state or any political subdivision thereof whose

3993 principal duties include the supervision of youth who are charged with or adjudicated for

3994 an act which if committed by adults would be considered a crime."

3995 **SECTION 5-96.**

3996 Said title is further amended by revising Code Section 45-9-83, relating to the creation of the

3997 Georgia State Indemnification Commission, composition, assignment to Department of

3998 Administrative Services for administrative purposes, and meetings, as follows:

3999 "45-9-83.

4000 There is created the Georgia State Indemnification Commission which shall be composed

4001 of the Governor, the executive director of the Peace Officer Standards and Training

4002 Council, the executive director of the Georgia Firefighter Standards and Training Council,

4003 the commissioner of public safety, the commissioner of transportation, the commissioner

4004 of corrections, the commissioner of community supervision, the commissioner of public
 4005 health, one law enforcement officer who shall be a member of the Peace Officers'
 4006 Association of Georgia appointed by the Governor from a list of five candidates provided
 4007 by such organization, and one firefighter who shall be a member of the Georgia State
 4008 Firemen's Association appointed by the Governor from a list of five candidates provided
 4009 by such organization. The Governor shall be the chairperson of the commission, and the
 4010 commission shall be assigned to the department for administrative purposes. The
 4011 commission shall meet at least semiannually upon the call of the Governor."

4012 **SECTION 5-97.**

4013 Said title is further amended by revising paragraph (7) of Code Section 45-9-101, relating
 4014 to definitions relative to the temporary disability compensation program, as follows:

4015 "(7) 'Law enforcement officer' means any agent or officer of this state, or a political
 4016 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
 4017 either expressly by law or by virtue of public employment or service with authority to
 4018 enforce the criminal or traffic laws and whose duties include the preservation of public
 4019 order, the protection of life and property, or the prevention, detection, or investigation of
 4020 crime. Such term also includes the employees designated by the commissioner of
 4021 community supervision who have the duty to supervise children adjudicated for a Class
 4022 A designated felony act or Class B designated felony act after release from restrictive
 4023 custody, as such terms are defined in Code Section 15-11-2, and the commissioner of
 4024 juvenile justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8 who
 4025 have the duty to investigate and apprehend delinquent children, or the supervision of
 4026 delinquent children under intensive supervision in the community, and any child with a
 4027 pending juvenile court case alleging the child to be a child in need of services who has
 4028 escaped from a facility under the jurisdiction of the Department of Juvenile Justice or
 4029 who has broken the conditions of supervision. Such term also includes members of the
 4030 Georgia National Guard, the composition of which is set forth in Code Section 38-2-3,
 4031 who have been called into active state service by the Governor."

4032 **SECTION 5-98.**

4033 Said title is further amended by revising Code Section 45-18-7, relating to retiring
 4034 employees, spouses, and dependents and eligibility of employees of state-wide probation
 4035 system to continue coverage upon retirement from local retirement system, as follows:

4036 "45-18-7.

4037 (a) The contract or contracts shall provide for health insurance for retiring state employees
 4038 and their spouses and dependent children, as defined by the regulations of the board, on

4039 such terms as the board may deem appropriate; and the board may authorize the inclusion
 4040 in the plan of the employees and retiring employees of state authorities covered by the
 4041 Employees' Retirement System of Georgia and their spouses and dependent children, as
 4042 defined by the regulations of the board. Any state authority participating in the plan shall
 4043 be required to pay the same rate of contribution paid by the state. The board shall adopt
 4044 regulations prescribing the conditions under which an employee or retiring employee may
 4045 elect to participate in or withdraw from the plan.

4046 ~~(b) Employees of the state-wide probation system administered by the Department of~~
 4047 ~~Corrections who were employees of a county probation system of a county having a~~
 4048 ~~population of 800,000 or more according to the United States decennial census of 2000 or~~
 4049 ~~any future such census and who were members of a local retirement system and had ten or~~
 4050 ~~more years of creditable service under the local retirement system at the time the county~~
 4051 ~~probation system became a part of the state-wide probation system shall be eligible to~~
 4052 ~~continue coverage under the health insurance plan for the state employees upon retirement~~
 4053 ~~from a local retirement system by paying a premium set by the board. Such retired persons~~
 4054 ~~shall be eligible to enroll their spouses and eligible dependents in accordance with the~~
 4055 ~~regulations of the board. Such retirees shall be treated in the same manner as other retirees~~
 4056 ~~eligible to continue coverage under the Employees' Retirement System of Georgia. The~~
 4057 ~~board may promulgate and adopt rules and regulations governing continuance and~~
 4058 ~~discontinuance of coverage for such retired persons and their spouses and eligible~~
 4059 ~~dependents."~~

4060 **SECTION 5-99.**

4061 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 4062 amended by revising paragraph (1) of Code Section 48-7-161, relating to definitions, as
 4063 follows:

4064 "(1) 'Claimant agency' means and includes, in the order of priority set forth below:

4065 (A) The Department of Human Services and the Department of Behavioral Health and
 4066 Developmental Disabilities with respect to collection of debts under Article 1 of
 4067 Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;

4068 (B) The Georgia Student Finance Authority with respect to the collection of debts
 4069 arising under Part 3 of Article 7 of Chapter 3 of Title 20;

4070 (C) The Georgia Higher Education Assistance Corporation with respect to the
 4071 collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

4072 (D) The Georgia Board for Physician Workforce with respect to the collection of debts
 4073 arising under Part 6 of Article 7 of Chapter 3 of Title 20;

4074 (E) The Department of Labor with respect to the collection of debts arising under Code
 4075 Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the
 4076 exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the
 4077 Department of Labor establishes that the debtor has been afforded required due process
 4078 rights by such Department of Labor with respect to the debt and all reasonable
 4079 collection efforts have been exhausted;

4080 (F) The Department of ~~Corrections~~ Community Supervision with respect to probation
 4081 fees arising under Code Section 42-8-34 and restitution or reparation ordered by a court
 4082 as a part of the sentence imposed on a person convicted of a crime who is in the legal
 4083 custody of the ~~department~~; Department of Corrections or the Department of Community
 4084 Supervision; and

4085 (G) ~~The State Board of Pardons and Paroles with respect to restitution imposed on a~~
 4086 ~~person convicted of a crime and subject to the jurisdiction of the board; and~~

4087 (H) The Department of Juvenile Justice with respect to restitution imposed on a
 4088 juvenile for a delinquent act which would constitute a crime if committed by an adult."

4089 **SECTION 5-100.**

4090 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 4091 by revising Code Section 49-3-6, relating to the functions of county family and children
 4092 services department, as follows:

4093 "49-3-6.

4094 Subject to the rules and regulations of the Board of Human Services, the county department
 4095 shall be charged with the administration of all forms of public assistance in the county,
 4096 including home relief; indoor and outdoor care for those in need; temporary assistance for
 4097 needy families; old-age assistance; aid to the blind and otherwise disabled; the care and
 4098 treatment of dependent, neglected, delinquent, and disabled children; and such other
 4099 welfare activities as shall be delegated to it by the Department of Human Services or by the
 4100 county commissioners. The county department shall also investigate and pass upon all
 4101 applications for admission to and discharge from county institutions which provide care
 4102 and treatment for indigents. If so appointed by a court of competent jurisdiction, the
 4103 Department of Human Services or the county or district department of family and children
 4104 services shall perform under the supervision of such court the function of juvenile
 4105 probation officer or agent of the court in any welfare or penal matters which may be before
 4106 it."

4107 **SECTION 5-101.**

4108 Said title is further amended by revising subsection (c) of Code Section 49-4A-8, relating to
4109 commitment of delinquent children, procedure, cost, return of mentally ill or
4110 developmentally disabled children, escapees, discharge, evidence of commitment, records,
4111 and restitution, as follows:

4112 "(c) When a court commits a delinquent child to the department, the court shall at once
4113 electronically submit a certified copy of the order of commitment to the department, and
4114 the court, the juvenile probation officer, the community supervision officer, the prosecuting
4115 and police authorities, the school authorities, and other public officials shall make available
4116 to the department all pertinent information in their possession pertaining to the case,
4117 including, but not limited to, any predisposition investigation report as set forth in Code
4118 Section 15-11-590 and any risk assessment. Such reports shall, if the department so
4119 requests, be made upon forms furnished by the department or according to an outline
4120 provided by the department."

4121 **SECTION 5-102.**

4122 Said title is further amended by revising subsection (c) of Code Section 49-4A-11, relating
4123 to aiding or encouraging child to escape and hindering apprehension of child, as follows:

4124 "(c) Any person who shall knowingly hinder the apprehension of any child under the
4125 supervision of the Department of Community Supervision or the lawful control or custody
4126 of the department who has been placed by the department in one of its institutions or
4127 facilities and who has escaped therefrom or who has been placed under supervision and is
4128 alleged to have broken the conditions thereof shall be guilty of a felony and, upon
4129 conviction thereof, shall be punished by imprisonment for not less than one nor more than
4130 five years."

4131 **PART VI**

4132 **EFFECTIVE DATE,**

4133 **APPLICABILITY, AND REPEALER**

4134 **SECTION 6-1.**

4135 This Act shall become effective July 1, 2015, and shall apply to sentences entered on or after
4136 such date.

4137 **SECTION 6-2.**

4138 All laws and parts of laws in conflict with this Act are repealed.