

The Senate Committee on Judiciary Non-Civil offers the following substitute to HB 304:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to procedure for sentencing and imposition of punishment, so as to clarify service  
3 of consecutive sentences; to provide for related matters; to repeal conflicting laws; and for  
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

6 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to  
7 procedure for sentencing and imposition of punishment, is amended by revising paragraph  
8 (4) of subsection (a) of Code Section 17-10-1, relating to fixing of sentence, as follows:

9 "(4) In cases of imprisonment followed by probation, the sentence shall specifically  
10 provide that the period of probation shall not begin until the defendant has completed  
11 service of the confinement portion of the sentence even when consecutive sentences are  
12 imposed wherein one of the sentences requires a mandatory period of probation. This  
13 paragraph shall govern the Department of Corrections in the computation of time that  
14 sentences shall run. No revocation of any part of a probated sentence shall be effective  
15 while a defendant is in the legal custody of the State Board of Pardons and Paroles."  
16

**SECTION 2.**

17 Said article is further amended by revising subsection (b) of Code Section 17-10-6.2, relating  
18 to punishment of sexual offenders, as follows:

19 "(b) Except as provided in subsection (c) of this Code section, and notwithstanding any  
20 other provisions of law to the contrary, any person convicted of a sexual offense shall be  
21 sentenced to a split sentence which shall include the minimum term of imprisonment  
22 specified in the Code section applicable to the offense. No portion of the mandatory  
23 minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by  
24 the sentencing court and such sentence shall include, in addition to the mandatory  
25

26 imprisonment, an additional probated sentence of at least one year. When consecutive  
27 sentences are imposed, the provisions of paragraph (4) of subsection (a) of Code Section  
28 17-10-1 shall apply. No person convicted of a sexual offense shall be sentenced as a first  
29 offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first  
30 offenders, or any other provision of Georgia law relating to the sentencing of first  
31 offenders."

32 **SECTION 3.**  
33 All laws and parts of laws in conflict with this Act are repealed.