

The House Committee on Judiciary Non-Civil offers the following substitute to SB 174:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding bonds and recognizances, so as to revise bail
3 restricted offenses; to revise a definition; to provide for and authorize appointed judges who
4 are fulfilling a vacancy of an elected judge to issue certain bonds and an unsecured judicial
5 release under certain circumstances; to provide for related matters; to provide for an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to
10 general provisions regarding bonds and recognizances, is amended by revising paragraph (4)
11 of subsection (e) of Code Section 17-6-1, relating to when offenses bailable, procedure,
12 schedule of bails, and appeal bonds, as follows:

13 "(4) ~~Any A bond issued set for any offense by an elected judge, an appointed judge~~
14 filling the vacancy of an elected judge, or judge sitting by designation that purports a
15 dollar amount shall be executed in the full-face amount of such bond through secured

16 means as provided for in Code Section 17-6-4 or 17-6-50 or shall be executed by use of
17 property as approved by the sheriff in the county where the offense was committed."

18 **SECTION 2.**

19 Said article is further amended by revising Code Section 17-6-12, relating to unsecured
20 judicial release, requirement, and effect of failure of person charged to appear for trial, as
21 follows:

22 "17-6-12.

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

24 (1) 'Bail restricted offense' means the person is charged with:

25 (A) An offense of:

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

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

28 (iii) Kidnapping, as defined in Code Section 16-5-40;

29 (iv) Rape, as defined in Code Section 16-6-1;

30 (v) Aggravated child molestation, as defined in subsection (c) of Code Section
31 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code
32 Section 16-6-4;

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

34 (vii) Aggravated sexual battery, as defined in Code Section 16-6-22.2; ~~or~~

35 (B) A felony offense of:

36 (i) Aggravated assault;

37 (ii) Aggravated battery;

38 (iii) Hijacking a motor vehicle in the first degree;

39 (iv) Aggravated stalking;

40 (v) Child molestation;

41 (vi) Enticing a child for indecent purposes;

- 42 (vii) Pimping;
- 43 (viii) Robbery;
- 44 (viii.1) Burglary;
- 45 (ix) Bail jumping;
- 46 (x) Escape;
- 47 (xi) Possession of a firearm or knife during the commission of or attempt to commit
- 48 certain crimes;
- 49 (xii) Possession of firearms by convicted felons and first offender probationers;
- 50 (xiii) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;
- 51 (xiv) Participating in criminal street gang activity;
- 52 (xv) Habitual violator; ~~or~~
- 53 (xvi) Driving under the influence of alcohol, drugs, or other intoxicating substances;
- 54 (xvii) Entering an automobile or other mobile vehicle with intent to commit theft or
- 55 felony, as defined in Code Section 16-8-18; or
- 56 (xviii) Stalking; or
- 57 (C) A misdemeanor offense of:
- 58 (i) Crimes involving family violence, as defined in Code Section 19-13-1; or
- 59 (ii) Stalking.
- 60 (2) 'Unsecured judicial release' means any release ~~on a person's own recognizance~~ that
- 61 does not purport a dollar amount through secured means as provided for in Code Section
- 62 17-6-4 or 17-6-50 or property as approved by the sheriff in the county where the offense
- 63 was committed and that is:
- 64 (A) On a person's own recognizance; or
- 65 (B) For the purpose of entering a pretrial release program, a pretrial release and
- 66 diversion program as provided for in Article 4 of Chapter 3 of Title 42, or a pretrial
- 67 intervention and diversion program as provided for in Article 4 of Chapter 18 of Title
- 68 15, or pursuant to Uniform Superior Court Rule 27.

69 (b) An elected judge, an appointed judge filling the vacancy of an elected judge, or judge
 70 sitting by designation as ~~provided for in subsection (c) or (d) of this Code section~~ may issue
 71 an unsecured judicial release if:

72 (1) Such unsecured judicial release is noted on the release order; and

73 (2) ~~The~~ Except as provided for in subsection (c) of this Code section, the person is not
 74 charged with a bail restricted offense.

75 (c) ~~A person charged with a bail restricted offense shall not be released on bail on an~~
 76 ~~unsecured judicial release for the purpose of entering a pretrial release program, a pretrial~~
 77 ~~release and diversion program as provided for in Article 4 of Chapter 3 of Title 42, or a~~
 78 ~~pretrial intervention and diversion program as provided for in Article 4 of Chapter 18 of~~
 79 ~~Title 15, or pursuant to Uniform Superior Court Rule 27.~~

80 (d) Except as provided in subsection (c) (b) of this Code section and in addition to other
 81 laws regarding the release of an accused person, the judge of any court having jurisdiction
 82 over a person charged with committing an offense against the criminal laws of this state
 83 shall have authority, in his or her sound discretion and in appropriate cases, to authorize
 84 the release of the person on an unsecured judicial release only.

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

89 **SECTION 3.**

90 This Act shall become effective upon its approval by the Governor or upon its becoming law
 91 without such approval.

92 **SECTION 4.**

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