

Senate Bill 301

By: Senators Tillery of the 19th, Hill of the 4th, Robertson of the 29th, Mullis of the 53rd and Miller of the 49th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,
2 relating to conditions of detention in state and county correctional institutions, so as to allow
3 a county sheriff to request an inmate of the state penal system awaiting trial to remain in state
4 custody in certain instances; to provide the commissioner of corrections with the authority
5 to grant such request; to provide for prohibition of the transfer of such inmates; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to
10 conditions of detention in state and county correctional institutions, is amended by adding
11 a new Code section to read as follows:

12 "42-5-51.1.

13 (a) When an inmate of the state penal system is charged with a misdemeanor or felony
14 alleged to have been committed by such inmate within the confines of a state correctional
15 institution and has been denied bond relating to such charge, the sheriff of the county in
16 which such charge is pending may request that such inmate remain in the custody of the
17 department after the sentence for which the department has jurisdiction over the inmate has
18 been served and until adjudication of such charge. The commissioner, in consultation with
19 the warden or superintendent of the institution where such inmate is housed, shall make a
20 determination regarding the retention of custody and shall notify such sheriff of his or her
21 determination within 36 hours of such request. In making such a determination, the
22 commissioner shall consider the space available in the institution, the potential safety
23 benefits of retaining such inmate, and any other factors he or she deems relevant for
24 making such determination.

25 (b) No request pursuant to subsection (a) of this Code section shall be considered by the
26 commissioner unless the inmate is housed in an institution located in the county in which
27 the offense is alleged to have occurred.

28 (c) No inmate who remains in a state correctional institution pursuant to a request granted
29 under subsection (a) of this Code section shall be transferred to a correctional institution
30 located outside the county which made such request unless the commissioner determines
31 such transfer is necessary for the inmate's physical or mental health."

32 **SECTION 2.**

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