Legislative Update
As of 04/02/2023

Justice, Public Safety, and School Discipline

PASSED BOTH CHAMBERS AND WAITING ON CONSIDERATION FROM THE GOVERNOR

HB 142  (Mainor-56th)  Bill Link
Provides for the establishment of unified campus police forces through agreements entered into by colleges and universities.
Status: PASSED HOUSE, PASSED SENATE  Awaits the governor's consideration.

HB 227  (Leverett-123rd)  Bill Link
Clarifies that the offense of criminal damage to property in the first degree can be committed through electronic means against critical infrastructure or any vital public service. The penalty for this crime is increased to imprisonment between two to 20 years. The bill revises the misdemeanor crime of interfering with property of public utility companies, municipalities, or political subdivisions owning critical infrastructure by prohibiting a person from altering or interfering with critical infrastructure. The definition for "critical infrastructure" in O.C.G.A. 16-11-220 is amended to include other vital public services.
Status: PASSED HOUSE, PASSED SENATE  Awaits the governor's consideration.

SB 11  (Albers-56th)  Bill Link
Grants original jurisdiction to the Georgia Bureau of Investigation (GBI) for violation of laws concerning domestic, cyber, biological, chemical, and nuclear terrorism.
Status: PASSED SENATE, PASSED HOUSE  Awaits the governor's consideration.

SB 44  (Hatchett-50th)  Bill Link
Clarifies that it is unlawful for a person to indirectly through another person: cause, encourage, solicit, recruit, or coerce another to become a member of a criminal street gang; to participate in a criminal street gang; or to participate in criminal gang activity. The bill defines "dangerous weapon", "firearm", "hazardous object", and "leader". Under Section II, the default penalty for violating O.C.G.A. 16-15-4 is a felony with increased imprisonment of between five and 20 years, to be served consecutively with other sentences, and with a mandatory minimum of five years. If a person recruits others to join a criminal street gang and the violation involves a person who is under 17 years old or a person who has a disability, then that person is subject to imprisonment of between 10 years and 20 years for a first offense, which must be served consecutively and with a mandatory minimum of 10 years. Upon a second or subsequent offense, the penalty is imprisonment of between 15 years and 25 years, which must be served consecutively and with a mandatory minimum of 15 years. A mandatory minimum sentence imposed under this offense is unable to be departed from by a court. A court can only depart from a mandatory minimum sentence if a district attorney or the attorney general agree and the convicted person provides substantial assistance in the identification, arrest, or conviction, of other members of the criminal street gang. The individual must also meet five different requirements to be eligible, and if a judge departs from the mandatory minimum, then they must specify on the record the circumstances for the reduction. This decision is appealed by the state. The bill adds an extra condition to when a judge can issue a bond on a person's own recognizance, or unsecured judicial release. To be eligible, the release must be noted on the release order. The person must not be charged with a bail restricted offense. The person must not have been convicted of an offense of bail jumping within the past five years. The person must not have had a bench warrant issued for their arrest based on a failure to appear within the past five years, unless the warrant was recalled or the offense was a nonserious traffic offense. A person can contest their ineligibility for unsecured judicial release on the basis that their criminal history record is inaccurate, incomplete, or misleading. If it is contested, the prosecutor bears the burden of establishing the person's ineligibility. A judge can also issue an unsecured judicial release for pretrial release or diversion if it is noted on the release order and the person is not charged with a bail restricted offense. A judge is only required to consider the accused's criminal history record that is available at that time.
Status: PASSED SENATE, PASSED HOUSE  Awaits the governor's consideration.