

House Bill 525

By: Representatives Ridley of the 22nd, Powell of the 33rd, Ridley of the 6th, Yearta of the 152nd, Clark of the 100th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 and Article 3 of Chapter 5 of Title 40 of the
2 Official Code of Georgia Annotated, relating procedure for sentencing and imposition of
3 punishment and cancellation, suspension, and revocation of driver's licenses, respectively,
4 so as to provide standards for acceptance by a court of any clinical evaluation relating to
5 substance use or abuse; to require a clinical evaluation and possible substance abuse
6 treatment for first convictions of driving under the influence; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating
11 procedure for sentencing and imposition of punishment, is amended by adding a new Code
12 section to read as follows:

13 "17-10-22.

14 In any case where a defendant has undergone a clinical evaluation relating to substance use
15 or abuse, regardless of whether such evaluation was pursuant to an order of the court as a
16 part of sentence or a condition of probation or pursuant to participation in a pretrial

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17 intervention, pretrial release, pretrial diversion program, or other similar pretrial program,
18 the results of such evaluation shall only be accepted when performed by clinical evaluators
19 on the registry published by the Department of Behavioral Health and Developmental
20 Disabilities."

21 **SECTION 2.**

22 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
23 cancellation, suspension, and revocation of driver's licenses, is amended by revising Code
24 Section 40-5-63.1, relating to clinical evaluation and substance abuse treatment programs for
25 certain offenders, as follows:

26 "40-5-63.1.

27 In addition to any and all other conditions of license reinstatement, issuance, or restoration
28 under Code Section 40-5-57.1, 40-5-58, 40-5-62, ~~or 40-5-63, or 40-5-75,~~ any person ~~with~~
29 ~~two or more convictions for~~ convicted of violating Code Section 40-6-391 ~~within ten years,~~
30 ~~as measured from the dates of previous arrests for which convictions were obtained to the~~
31 ~~date of the current arrest for which a conviction is obtained,~~ shall be required to undergo
32 a clinical evaluation and, if recommended as a part of such evaluation, shall complete a
33 substance abuse treatment program prior to such license reinstatement, issuance, or
34 restoration; provided, however, that such evaluation and treatment shall be at such person's
35 expense except as otherwise provided by Code Section 37-7-120. Acceptable proof of
36 completion of such a program shall be submitted to the department prior to license
37 reinstatement, issuance, or restoration. For purposes of this Code section, a plea of nolo
38 contendere to a charge of violating Code Section 40-6-391 ~~and all prior accepted pleas of~~
39 ~~nolo contendere within ten years, as measured from the dates of previous arrests for which~~
40 ~~convictions were obtained or pleas of nolo contendere were accepted to the date of the~~
41 ~~current arrest for which a plea of nolo contendere is accepted,~~ shall be considered and
42 ~~counted as convictions~~ a conviction."

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SECTION 3.

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