

House Resolution 1416

By: Representatives Carter of the 92nd, Thomas of the 56th, Smyre of the 135th, Trammell of the 132nd, Scott of the 76th, and others

A RESOLUTION

- 1 Creating the House Study Committee on Bail Reform; and for other purposes.
- 2 WHEREAS, the United States Supreme Court has recognized the fundamental right to
3 pretrial liberty for defendants awaiting trial except in carefully limited exceptional
4 circumstances; and
- 5 WHEREAS, by granting a right to bail in misdemeanor cases, the General Assembly has
6 recognized the high value that our society places on pretrial liberty; and
- 7 WHEREAS, approximately 64 percent of those incarcerated in jails in Georgia have not been
8 convicted of a crime; and
- 9 WHEREAS, there are legitimate concerns that people in Georgia are being held in pretrial
10 detention only because they cannot afford to pay the bail necessary for release; and
- 11 WHEREAS, ensuring that persons arrested and booked into custody do not remain in jail due
12 to their inability to pay bail is an important mission; and
- 13 WHEREAS, with fewer people incarcerated, any cost savings may be reinvested into
14 community-based programs that decrease the number of misdemeanor cases and improve
15 public safety; and
- 16 WHEREAS, it is important to study the effects of reallocation of resources to ensure that,
17 where necessary, defendants may have a bond hearing with minimal delay; and
- 18 WHEREAS, the House of Representatives wishes to study the effects of reducing the use of
19 pretrial incarceration, consistent with public safety considerations.
- 20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

- 21 (1) **Creation of House study committee.** There is created the House Study Committee
22 on Bail Reform.
- 23 (2) **Members and officers.** The committee shall be composed of five members of the
24 House of Representatives to be appointed by the Speaker of the House of
25 Representatives. The Speaker shall designate a member of the committee as chairperson
26 of the committee.
- 27 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
28 issues, and problems mentioned above or related thereto and recommend any action or
29 legislation which the committee deems necessary or appropriate.
- 30 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
31 may conduct such meetings at such places and at such times as it may deem necessary or
32 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
33 accomplish the objectives and purposes of this resolution.
- 34 (5) **Allowances and funding.** Members of the committee who are members of the
35 General Assembly shall receive the allowances provided for in Code Section 28-1-8 of
36 the Official Code of Georgia Annotated. The allowances authorized by this resolution
37 shall not be received by any member of the committee for more than five days unless
38 additional days are authorized. Funds necessary to carry out the provisions of this
39 resolution shall come from funds appropriated to the House of Representatives.
- 40 (6) **Report.**
- 41 (A) In the event the committee adopts any specific findings or recommendations that
42 include suggestions for proposed legislation, the chairperson shall file a report of the
43 same prior to the date of abolishment specified in this resolution, subject to
44 subparagraph (C) of this paragraph.
- 45 (B) In the event the committee adopts a report that does not include suggestions for
46 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
47 of this paragraph.
- 48 (C) No report shall be filed unless the same has been approved prior to the date of
49 abolishment specified in this resolution by majority vote of a quorum of the committee.
50 A report so approved shall be signed by the chairperson of the committee and filed with
51 the Clerk of the House of Representatives.
- 52 (D) In the absence of an approved report, the chairperson may file with the Clerk of the
53 House of Representatives a copy of the minutes of the meetings of the committee in lieu
54 thereof.
- 55 (7) **Abolishment.** The committee shall stand abolished on December 1, 2018.