

House Resolution 1614

By: Representatives Carter of the 92nd, Scott of the 76th, Smyre of the 135th, Hugley of the 136th, Trammell of the 132nd, and others

A RESOLUTION

1 Recommending that local municipalities continue bail reform efforts by adopting
2 recommendations of the Judicial Council of Georgia's Ad Hoc Committee on Misdemeanor
3 Bail Reform; and for other purposes.

4 WHEREAS, the United States has long recognized that an individual is presumed innocent
5 until proven guilty (*Coffin v. United States*, 156 U.S. 432 (1895)); and

6 WHEREAS, the Supreme Court of the United States has recognized the fundamental right
7 to pretrial liberty for defendants awaiting trial except in carefully limited exceptional
8 circumstances (*United States v. Salerno*, 481 U.S. 739 (1987)); and

9 WHEREAS, the Judicial Council of Georgia established the Ad Hoc Committee on
10 Misdemeanor Bail Reform with the mission of researching nationwide bail practices,
11 interviewing interested stakeholders in Georgia, and producing a report on the committee's
12 findings to be shared with the Judicial Council and the Georgia Council on Criminal Justice
13 Reform; and

14 WHEREAS, the Ad Hoc Committee on Misdemeanor Bail Reform presented 20
15 recommendations regarding bail reform to the Georgia Council on Criminal Justice Reform;
16 and

17 WHEREAS, the Georgia Council on Criminal Justice Reform adopted some of the
18 recommendations from the Ad Hoc Committee on Misdemeanor Bail Reform which were
19 included in SB 407 (2018); and

20 WHEREAS, the members of this body feel strongly that local municipalities can continue
21 misdemeanor bail efforts by promoting greater use of court appearance notifications through
22 electronic reminders and plain language notices; by requesting that court notices be exempted
23 from the federal 'opt in' requirement for text messages, like the exemption for medical

24 appointments; by recommending that the Uniform Superior Court Rules on pretrial release
25 be updated to allow for additional pretrial release options to be utilized at the discretion of
26 local courts; by collecting data on pretrial release and reporting it to the Judicial Council of
27 Georgia to determine the effectiveness of pretrial detention practices; by developing a bench
28 card for judges that outlines best practices for pretrial release; and by promoting judicial
29 education on adopted reforms and national research on pretrial incarceration effects; and

30 WHEREAS, providing effective pretrial release for misdemeanors will reduce the detention
31 costs borne by local jurisdictions and improve outcomes for the accused.

32 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
33 the members of this body hereby recommend that local municipalities continue bail reform
34 efforts by adopting recommendations of the Judicial Council of Georgia's Ad Hoc Committee
35 on Misdemeanor Bail Reform.

36 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
37 and directed to make appropriate copies of this resolution available for distribution to the
38 public and the press.