

Senate Bill 137

By: Senators Jones II of the 22nd, Parent of the 42nd, Jordan of the 6th, Merritt of the 9th, Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,
2 so as to provide that no private corporation shall operate a detention facility; to provide for
3 definitions; to provide for federal facilities; to provide for existing contractual obligations;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
8 in Article 1 of Chapter 1, relating to inmate policies, by adding a new Code section to read
9 as follows:

10 "42-1-11.4.

11 (a) As used in this Code section, the term:

12 (1) 'Detention facility' means a facility used for the confinement of a person charged with
13 or convicted of a crime, including but not limited to prisons, jails, immigration detention
14 centers, parole revocation centers, long-term and short-term youth detention centers, boot
15 camps, and probation detention centers.

16 (2) 'Private entity' means any individual, partnership, company, association, corporation,
17 development authority, or other legal entity other than a government agency or
18 department.

19 (b) A private entity shall not operate a detention facility in this state.

20 (c) The provisions of this Code section shall not apply to facilities owned and operated by
21 the federal government and used exclusively for the confinement of inmates serving
22 sentences for violation of federal law.

23 (d) Nothing in this Code section shall impair the obligation of any contract entered into
24 with a private entity prior to January 1, 2021, before the expiration or first renewal of such
25 contract. This Code section shall not alter or affect the operation of any existing interstate
26 compact or agreement between this state and any other state or the federal government, or
27 between any political subdivision of this state and any other state or the federal
28 government, regarding the detention and housing of inmates."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.