

Senate Bill 25

By: Senators McLaurin of the 14th, Jones II of the 22nd, Jackson of the 41st, Parent of the 44th, Halpern of the 39th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated,
2 relating to grants of pardons, paroles, and other relief, so as to provide for procedures when
3 a person is denied parole after completing certain prerequisites; to provide for a video
4 conference hearing where prospective parolees can be heard and seek information from the
5 board; to provide that the board submit written findings if the tentative parole month is
6 delayed; to provide notice to members of the board when a majority votes to deny or delay
7 release; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to
11 grants of pardons, paroles, and other relief, is amended by adding a new Code section to read
12 as follows:

13 "42-9-43.2.

14 (a) If any offender has accumulated the maximum number of credits available under any
15 performance incentive program provided by the Department of Corrections, or if such

16 offender is serving a sentence of life imprisonment and is being considered or reconsidered
17 for parole, such offender may request:

18 (1) A video conference at least 30 days in advance of the tentative parole date with all
19 members of the board before any decision can be made on parole, in which the offender
20 has a reasonable opportunity to present information and questions to the board regarding:

21 (A) The nature of the offense, including any procedural matters relating to the
22 conviction and sentencing of such offense;

23 (B) The conduct and completion of programming while the offender was incarcerated;

24 (C) Community ties and other support for the offender;

25 (D) The victim or victim's family or other individuals that would be affected by the
26 offender's release; and

27 (E) The position of the prosecuting attorney and the court regarding the offender's case;
28 and

29 (2) Written findings of fact, including the queries provided in paragraph (1) of this
30 subsection, that provide the basis for the board's decision to deny parole or delay such
31 offender's tentative parole release month, and provide on the record:

32 (A) Any affiliates or representatives of the offender that the board contacted and
33 received information from regarding the offender's prospective release;

34 (B) Any affiliates or representatives of the victim or victims that the board contacted
35 and received information from regarding the offender's prospective release; and

36 (C) Whether such contact was made telephonically, electronically, or in person.

37 (b) In any case where three members of the board have tentatively decided to deny parole
38 or delay the tentative parole month, the other two members shall be notified of the tentative
39 decision and given 14 days to hold the decision before it is issued. During such time such
40 two members may discuss the decision with the other members of the board, and the
41 majority who tentatively decided to deny parole or delay the tentative parole month shall,
42 within their discretion, have the opportunity to change their votes.

43 (c) All duties prescribed in subsection (a) of this Code section are nondiscretionary and
44 shall be subject to the provisions of Code Section 9-6-20."

45 **SECTION 2.**

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