

The Senate Committee on Public Safety offered the following substitute to SB 63:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds
2 and recognizances, so as to provide for setting of bonds and schedules of bails; to provide
3 for release of individuals on bail for misdemeanors; to limit unsecured judicial releases; to
4 revise surety liability; to provide for return of compensation by surety to principal; to change
5 the fee for continuing education programs for bail recovery agents; to revise when forfeiture
6 of bonds occurs; to revise procedures relating to execution hearings; to revise procedures for
7 judgments on forfeitures and remission of bond funds; to revise definitions; to amend Code
8 Section 17-10-6.1 of the Official Code of Georgia Annotated, relating to punishment for
9 serious violent offenders and authorization for reduction in mandatory minimum sentencing,
10 so as to identify domestic terrorism as a serious violent felony; to provide for related matters;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and
15 recognizances, is amended in Code Section 17-6-1, relating to when offenses bailable,

16 procedure, schedule of bails, and appeal bonds, by revising paragraph (4) of subsection (e),
17 paragraph (1) of subsection (f), and subsection (i) as follows:

18 "(4) A bond set for any offense by an elected judge, an appointed judge ~~filling the~~
19 ~~vacancy of an elected judge~~, or a judge sitting by designation that purports a dollar
20 amount shall be executed in the full-face amount of such bond through secured means as
21 provided for in Code Section 17-6-4 or 17-6-50 or shall be executed by use of property
22 as approved by the sheriff in the county where the offense was committed."

23 "(f)(1) Except as provided in subsection (a) of this Code section or as otherwise provided
24 in this subsection, the judge of any court of inquiry may by written order establish a
25 schedule of bails, inclusive of offenses that are violations of local ordinances, and unless
26 otherwise ordered by the judge of any court, an accused shall be released from custody
27 upon posting bail as fixed in the schedule; provided, however, that no bail schedule, local
28 standing order, official policy, or local ordinance shall mandate releasing an accused on
29 unsecured judicial release as defined in Code Section 17-6-12 prior to the accused
30 appearing before a judge of any court of inquiry. Nothing in this paragraph shall prohibit
31 unsecured judicial release for any person charged under Code Section 3-3-23.1 or
32 charged under any provision of local or state law not providing for a sentence of
33 confinement in a penal institution or state, county, or local jail."

34 "(i) As used in this Code section, the term 'bail' shall only include the release of a person
35 on an unsecured judicial release, except as limited by Code Section 17-6-12 by the use of
36 secured means as provided in Code Sections 17-6-4 and 17-6-5, professional bondsmen as
37 provided in Code Section 17-6-50, or property as approved by the sheriff in the county
38 where the offense was committed."

39

SECTION 2.

40 Said chapter is further amended in Code Section 17-6-2, relating to acceptance of bail in
 41 misdemeanor cases and posting driver's license as collateral for bail, by revising subsection
 42 (b) as follows:

43 "(b) In all other misdemeanor cases, sheriffs and constables shall accept bail in such
 44 ~~reasonable~~ sufficient amount as may be just and fair for any person or persons charged with
 45 a misdemeanor, provided that the sureties tendered and offered on the bond ~~are~~ shall only
 46 include the release of a person by the use of secured means as provided in Code
 47 Sections 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50,
 48 or property as approved by the sheriff in the county where the offense was committed."

49

SECTION 3.

50 Said chapter is further amended by revising Code Section 17-6-12, relating to unsecured
 51 judicial release, requirement, and effect of failure of person charged to appear for trial, as
 52 follows:

53 "17-6-12.

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

55 (1) 'Bail restricted offense' means the person is charged with an offense of:

56 ~~(A) An offense of:~~

57 ~~(i)(A)~~ Murder or felony murder, as defined in Code Section 16-5-1;

58 ~~(ii)(B)~~ Armed robbery, as defined in Code Section 16-8-41;

59 ~~(iii)(C)~~ Kidnapping, as defined in Code Section 16-5-40;

60 ~~(iv)(D)~~ Rape, as defined in Code Section 16-6-1;

61 ~~(v)(E)~~ Aggravated child molestation, as defined in subsection (c) of Code
 62 Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of
 63 Code Section 16-6-4;

64 ~~(vi)(F)~~ Aggravated sodomy, as defined in Code Section 16-6-2; ~~or~~

- 65 ~~(vii)~~(G) Aggravated sexual battery, as defined in Code Section 16-6-22.2;
- 66 ~~(B) A felony offense of:~~
- 67 ~~(i)~~(H) Aggravated assault;
- 68 ~~(ii)~~(I) Aggravated battery;
- 69 ~~(iii)~~(J) Hijacking a motor vehicle in the first degree;
- 70 ~~(iv)~~(K) Aggravated stalking;
- 71 ~~(v)~~(L) Child molestation;
- 72 ~~(vi)~~(M) Enticing a child for indecent purposes;
- 73 ~~(vii)~~(N) Pimping;
- 74 ~~(viii)~~(O) Robbery;
- 75 ~~(viii.1)~~(P) Burglary;
- 76 ~~(ix)~~(Q) Bail jumping;
- 77 ~~(x)~~(R) Escape;
- 78 ~~(xi)~~(S) Possession of a firearm or knife during the commission of or attempt to commit
- 79 certain crimes;
- 80 ~~(xii)~~(T) Possession of firearms by convicted felons and first offender probationers;
- 81 ~~(xiii)~~(U) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;
- 82 ~~(xiv)~~(V) Participating in criminal street gang activity;
- 83 ~~(xv)~~(W) Habitual violator;
- 84 ~~(xvi)~~(X) Driving under the influence of alcohol, drugs, or other intoxicating
- 85 substances;
- 86 ~~(xvii)~~(Y) Entering an automobile or other mobile vehicle with intent to commit theft
- 87 or felony, as defined in Code Section 16-8-18; ~~or~~
- 88 ~~(xviii)~~(Z) Stalking; ~~or~~
- 89 ~~(C) A misdemeanor offense of:~~
- 90 ~~(i)~~(AA) Crimes involving family violence, as defined in Code Section 19-13-1; ~~or~~
- 91 ~~(ii) Stalking.~~

- 92 (BB) Reckless stunt driving, as described in Code Section 40-6-390.1;
93 (CC) Promoting or organizing an exhibition of drag races or laying drags, as described
94 in Code Section 16-11-43.1;
95 (DD) Laying drags, as defined in Code Section 40-6-251;
96 (EE) Reckless driving, as described in Code Section 40-6-390;
97 (FF) Fleeing or attempting to elude a police officer, as described in Code
98 Section 40-6-395;
99 (GG) Obstruction of a law enforcement officer, as described in Code Section 16-10-29;
100 (HH) Criminal trespass, as described in Code Section 16-7-21;
101 (II) Theft by taking, as described in Code Section 16-8-2;
102 (JJ) Theft by deception, as described in Code Section 16-8-3;
103 (KK) Theft by extortion, as described in Code Section 16-8-16;
104 (LL) Destruction, removal, concealment, encumbrance, or transfer of property subject
105 to security interest, as described in Code Section 16-9-51;
106 (MM) Bribery, as described in Code Section 16-10-2;
107 (NN) Purchase, possession, manufacture, distribution, or sale of controlled substances
108 or marijuana, as described in Code Section 16-13-30;
109 (OO) Forgery, as described in Code Section 16-9-1;
110 (PP) Exploitation and intimidation of disabled adults, elder persons, and residents or
111 obstruction of an investigation, as described in Code Section 16-5-102;
112 (QQ) Battery, as described in Code Section 16-5-23.1;
113 (RR) Voluntary manslaughter, as described in Code Section 16-5-2;
114 (SS) Cruelty to animals, as described in Code Section 16-12-4;
115 (TT) Violation of oath by a public officer, as described in Code Section 16-10-1;
116 (UU) Financial transaction card fraud, as described in Code Section 16-9-33;
117 (VV) Financial transaction card theft, as described in Code Section 16-9-31;
118 (WW) Identity fraud, as described in Code Section 16-9-121;

- 119 (XX) Racketeering and conspiracy, as described in Code Section 16-14-4;
 120 (YY) Trafficking of persons for labor or sexual servitude, as described in Code
 121 Section 16-5-46;
 122 (ZZ) Failure to appear, as described in Code Section 40-13-63;
 123 (AAA) Domestic terrorism, as described in Code Section 16-11-221;
 124 (BBB) Riot, as described in Code Section 16-11-30;
 125 (CCC) Inciting to riot, as described in Code Section 16-11-31;
 126 (DDD) Affray, as described in Code Section 16-11-32;
 127 (EEE) Unlawful assembly, as described in Code Section 16-11-33;
 128 (FFF) Terroristic threat or act, as described in Code Section 16-11-37; or
 129 (GGG) Possession of tools for commission of a crime, as described in Code Section
 130 16-7-20.
- 131 (2) 'Unsecured judicial release' means any release that does not purport a dollar amount
 132 through secured means as provided for in Code Section 17-6-4 or 17-6-50 or property as
 133 approved by the sheriff in the county where the offense was committed and that is:
- 134 (A) On a person's own recognizance; or
 135 (B) For the purpose of entering a pretrial release program, a pretrial release and
 136 diversion program as provided for in Article 4 of Chapter 3 of Title 42, or a pretrial
 137 intervention and diversion program as provided for in Article 4 of Chapter 18 of
 138 Title 15, or pursuant to Uniform Superior Court Rule 27.
- 139 (b) An elected judge, an appointed judge ~~filling the vacancy of an elected judge~~, or a judge
 140 sitting by designation may issue an unsecured judicial release if:
- 141 ~~(1) Such such~~ unsecured judicial release is noted on the release order; ~~and~~
 142 ~~(2) The person is not charged with a bail restricted offense.~~
- 143 (c) Except as provided in subsection (b) of this Code section and in addition to other laws
 144 regarding the release of an accused person, the judge of any court having jurisdiction over
 145 a person charged with committing an offense against the criminal laws of this state shall

146 have authority, in his or her sound discretion and in appropriate cases, to authorize the
147 release of the person on an unsecured judicial release only.

148 (d) Upon the failure of a person released on an unsecured judicial release to appear for
149 trial, if the release is not otherwise conditioned by the court, absent a finding of sufficient
150 excuse to appear, the court shall summarily issue an order for his or her arrest which shall
151 be enforced as in cases of forfeited bonds.

152 (e) No person charged with a bail restricted offense shall be eligible for release by any
153 judge on an unsecured judicial release. Such persons charged with a bail restricted offense
154 shall only be eligible for release through the use of secured means as provided in Code
155 Sections 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50,
156 or property as approved by the sheriff in the county where the offense was committed.

157 (f) No person sentenced pursuant to subsection (b) or (c) of Code Section 17-10-7 shall be
158 eligible for release by any judge on an unsecured judicial release. Such persons shall only
159 be eligible for release through the use of secured means as provided in Code Sections
160 17-6-4 and 17-6-5, professional bondsmen as provided in Code Section 17-6-50, or
161 property as approved by the sheriff in the county where the offense was committed.

162 (g) Any person arrested for any offense who has previously been convicted for any felony
163 within the preceding seven years shall not be eligible for release by any judge on an
164 unsecured judicial release. Such person shall only be eligible for release through the use
165 of secured means as provided in Code Sections 17-6-4 and 17-6-5, professional bondsmen
166 as provided in Code Section 17-6-50, or property as approved by the sheriff in the county
167 where the offense was committed."

168 **SECTION 4.**

169 Said chapter is further amended in Code Section 17-6-31, relating to surrender of principal
170 by surety, forfeiture of bond, and death of principal, by revising subsections (a), (d), and (e)
171 as follows:

172 "(a) When the court is not in session, a surety on a bond may surrender the surety's
173 principal to the sheriff or to the responsible law enforcement officer of the jurisdiction in
174 which the case is pending in order to be released from liability. If the sheriff or the
175 responsible law enforcement officer of the jurisdiction refuses such surrender, the surety
176 shall be released from liability."

177 "(d)(1) Furthermore, the surety shall be released from liability if, prior to entry of
178 judgment, there is:

179 (A) A deferred sentence;

180 (B) A presentence investigation;

181 (C) ~~A court ordered~~ Entry into a pretrial intervention and diversion program;

182 (D) ~~A court ordered~~ Entry into an educational and rehabilitation program;

183 (E) A fine;

184 (F) A dead docket; ~~or~~

185 (G) Death of the principal;

186 (H) Participation in an accountability court; or

187 (I) Entry into a pretrial release program.

188 (2) Furthermore, the surety ~~may~~ shall be released from liability at the discretion of the
189 court if:

190 ~~(A) The~~ the principal used a false name when he or she was bound over and committed
191 to jail or a correctional institution and was subsequently released from such facility
192 unless the surety knew or ~~should have known~~ had reason to know that the principal
193 used a false name; ~~and~~

194 ~~(B) The surety shows to the satisfaction of the court that he or she acted with due~~
195 ~~diligence and used all practical means to secure the attendance of the principal before~~
196 ~~the court.~~

197 (e) If the prosecuting attorney does not try the charges against a defendant within a period
198 of two years in the case of felonies and one year in the case of misdemeanors after the date

199 of posting bond, ~~then judgment rendered after such period may not be enforced against the~~
 200 ~~surety on the bond and the surety shall thereafter be relieved of liability on the bond. This~~
 201 ~~subsection shall not apply where the prosecuting attorney's failure to try the charges is due~~
 202 ~~to the fault of the principal."~~

203 **SECTION 5.**

204 Said chapter is further amended in Code Section 17-6-54, relating to no further compensation
 205 after becoming surety, when sum received to be returned to defendant, and right to surrender
 206 defendant and to keep sum paid when defendant forfeits, by revising subsection (a) as
 207 follows:

208 "(a) No professional bondsman or his or her agents or employees who receive
 209 compensation for becoming the surety on a criminal bond shall thereafter receive any other
 210 sum in the case. If the surety surrenders a defendant into the custody of the court, the
 211 sheriff, or another law enforcement officer in the jurisdiction where the bond was made
 212 before final disposition of the case, the surety is required to return to the principal the
 213 compensation received for signing the bond as surety if such surrender of the defendant is
 214 for reasons other than:

- 215 (1) The defendant's arrest for a crime other than a traffic violation or ~~misdemeanor~~ local
 216 ordinance violation;
- 217 (2) The defendant's cosigner attests in writing the desire to be released from the bond;
- 218 (3) The defendant fails to provide to ~~the court and~~ the surety the defendant's change of
 219 address;
- 220 (4) The defendant fails to pay any fee due to the surety after being notified ~~by certified~~
 221 ~~mail or statutory overnight delivery~~ that the same is past due;
- 222 (5) The defendant fails to notify ~~the court and~~ the surety upon leaving the jurisdiction of
 223 the court; or
- 224 (6) The defendant provides false information to the surety."

225 **SECTION 6.**

226 Said chapter is further amended in Code Section 17-6-56.1, relating to continuing education
227 programs for bail recovery agents, fee, annual requirement, and certificate of completion, by
228 revising subsection (b) as follows:

229 "(b) The fee for continuing education programs for bail recovery agents shall not exceed
230 ~~\$125.00~~ \$250.00 annually."

231 **SECTION 7.**

232 Said chapter is further amended in Code Section 17-6-70, relating to when forfeiture occurs,
233 by revising subsection (b) as follows:

234 "(b) An appearance bond shall not be forfeited unless the clerk of the court gave the surety
235 at least 72 hours' written notice, exclusive of Saturdays, Sundays, and legal holidays, before
236 the time of the required appearance of the principal. Notice shall not be necessary if the
237 time for appearance is within 72 hours from the time of arrest, provided the time for
238 appearance is stated on the bond, ~~or where the principal is given actual notice in open~~
239 ~~court."~~

240 **SECTION 8.**

241 Said chapter is further amended by revising Code Section 17-6-71, relating to execution
242 hearing on failure of principal to appear, as follows:

243 "17-6-71.

244 (a) ~~The judge shall, at the end of the court day, upon the failure of the principal to appear,~~
245 ~~forfeit the bond, issue a bench warrant for the principal's arrest, and order an execution~~
246 ~~hearing not sooner than 120 days but not later than 150 days after such failure to appear.~~
247 ~~Notice of the execution hearing shall be served by the clerk of the court in which the bond~~
248 ~~forfeiture occurred within ten days of such failure to appear by certified mail or by~~
249 ~~electronic means as provided in Code Section 17-6-50 to the surety at the address listed on~~

250 ~~the bond or by personal service to the surety within ten days of such failure to appear at its~~
251 ~~home office or to its designated registered agent. Service shall be considered complete~~
252 ~~upon the mailing of such certified notice. Such ten-day notice shall be adhered to strictly.~~
253 ~~If notice of the execution hearing is not served as specified in this subsection, the surety~~
254 ~~shall be relieved of liability on the appearance bond~~ The judge shall, at the end of the court
255 day, upon the failure of the principal to appear, forfeit the bond and issue a bench warrant
256 for the principal's arrest. If the forfeiture and bench warrant are not issued and signed
257 within three business days of the failure to appear, the surety shall be relieved of liability
258 on the appearance bond. Upon forfeiting the bond, the judge shall order an execution
259 hearing not sooner than 150 days but not later than 180 days after such failure to appear.
260 If the execution hearing is not ordered as specified in this subsection, the surety shall be
261 relieved of liability on the appearance bond. Notice of the execution hearing and a copy
262 of the bench warrant shall be served by the clerk of the court in which the bond forfeiture
263 occurred within ten days of such failure to appear by certified mail, return receipt
264 requested, or by electronic means as provided in Code Section 17-6-50 to the surety at the
265 address listed on the bond or by personal service to the surety within ten days of such
266 failure to appear at its home office or to its designated registered agent. Service shall be
267 considered complete upon the mailing of such certified notice. Such ten-day notice shall
268 be adhered to strictly. If notice of the execution hearing and bench warrant are not served
269 as specified in this subsection, the surety shall be relieved of liability on the appearance
270 bond.

271 (b) If at the execution hearing it is determined that judgment should be entered, the judge
272 shall so order and a writ of fieri facias shall be filed in the office of the clerk of the court
273 where such judgment is entered. Notice of the judgment shall be served by the clerk of the
274 court in which entry of judgment occurred within ten days of such entry by certified mail,
275 return receipt requested, or by electronic means as provided in Code Section 17-6-50 to the
276 surety at the address listed on the bond or by personal service to the surety within ten days

277 of such entry of judgment at its home office or to its designated registered agent. Service
 278 shall be considered complete upon the mailing of such certified notice. Such ten-day notice
 279 shall be adhered to strictly. If the notice of the judgment is not served in the time frame as
 280 specified in this subsection, the surety shall be relieved of liability on the appearance bond,
 281 the judgment shall be marked satisfied, and the writ of fieri facias shall be canceled. The
 282 provisions of this subsection shall apply to all bail bonds, whether returnable to superior
 283 court, state court, probate court, magistrate court, or municipal court."

284

SECTION 9.

285 Said chapter is further amended in Code Section 17-6-72, relating to conditions not
 286 warranting forfeiture of bond for failure to appear and remission of forfeiture, by revising
 287 subsections (b), (c), (d), and (e) as follows:

288 "(b) No judgment shall be rendered on a forfeiture of any appearance bond if ~~it is shown~~
 289 ~~to the satisfaction of the court that~~ the principal on the bond was prevented from attending
 290 because he or she was detained by reason of arrest, sentence, or confinement in a penal
 291 institution or jail in the State of Georgia, or so detained in another jurisdiction, or because
 292 he or she was involuntarily confined or detained pursuant to court order in a mental
 293 institution in the State of Georgia or in another jurisdiction. ~~An official written~~ Written
 294 notice of the holding institution in which the principal is being detained or confined shall
 295 be considered proof of the principal's detention or confinement. ~~Such notice may be sent~~
 296 ~~from the holding institution by mail or e-mail or delivered by hand or by facsimile~~
 297 ~~machine.~~ Upon the presentation of such written notice to the clerk of the proper court, the
 298 prosecuting attorney, and the sheriff or other law enforcement officer having jurisdiction
 299 over the case, along with a letter of intent to pay all costs of returning the principal to the
 300 jurisdiction of the court, such notice and letter shall serve as the surety's request for a
 301 detainer or hold to be placed on the principal. Should there be a failure to place a detainer
 302 or hold within ten business days of the surety's service of a detainer or hold request, and

303 after such presentation of such notice and letter of intent to pay costs, the surety shall then
304 be relieved of the liability for the appearance bond without further order of the court.

305 (c) No judgment shall be rendered on a forfeiture of any appearance bond if ~~it is shown to~~
306 ~~the satisfaction of the court that~~ prior to the entry of the judgment on the forfeiture the
307 principal on the bond is in the custody of the sheriff or other responsible law enforcement
308 agency. ~~An official written~~ Written notice of the holding institution in which the principal
309 is being detained or confined shall be considered proof of the principal's detention or
310 confinement. ~~Such notice may be sent from the holding institution by mail or e-mail or~~
311 ~~delivered by hand or by facsimile machine.~~ Upon presentation of such written notice to the
312 clerk of the proper court, the prosecuting attorney, and the sheriff or other law enforcement
313 officer having jurisdiction over the case along with a letter of intent to pay all costs of
314 returning the principal to the jurisdiction of the court, such notice and letter shall serve as
315 the surety's request for a detainer or hold to be placed against the principal. Should there
316 be a failure to place a detainer or hold within ten business days of the surety's service of
317 a detainer or hold request, and after presentation of such notice and letter of intent to pay
318 costs, the surety shall then be relieved of the liability for the appearance bond without
319 further order of the court."

320 "(d) In cases in which subsection (e) of this Code section is not applicable, the court shall
321 order remission under the following conditions:

322 (1) Provided the bond amount has been paid within ~~120~~ 150 days after entry of the
323 judgment ~~and the delay has not prevented prosecution of the principal~~ and upon
324 application filed within ~~120~~ 150 days from the payment of judgment with prior notice to
325 the prosecuting attorney of such application, said court shall direct remission of 95
326 percent of the bond amount remitted to the surety if the principal is produced,
327 surrendered, or otherwise appears before the court that has jurisdiction of the bond or if
328 the surety provides proof of the principal's incarceration or confinement in another
329 jurisdiction, proof of the principal's death, or proof that surrender of the principal was

330 denied by the sheriff or other responsible law enforcement officer within such ~~120~~ 150
331 day period following payment of the judgment;

332 (2) Provided the bond amount has been paid within ~~120~~ 150 days after the entry of
333 judgment and ~~the delay has not prevented prosecution of the principal, should the surety,~~
334 ~~within two years of the principal's failure to appear, locate the principal in the custody of~~
335 ~~the sheriff in the jurisdiction where the bond was made or in another jurisdiction causing~~
336 ~~the return of the principal to the jurisdiction where the bond was made, apprehend,~~
337 ~~surrender, or produce the principal, if the apprehension or surrender of the principal is~~
338 ~~substantially procured or caused by the surety, or if the location of the principal by the~~
339 ~~surety causes the adjudication of the principal in the jurisdiction in which the bond was~~
340 ~~made, the surety shall be entitled to a refund of 50 percent of the bond amount. The~~
341 ~~application for 50 percent remission shall be filed no later than 30 days following the~~
342 ~~expiration of the two-year period following the date of judgment upon application filed~~
343 ~~within 60 days following the expiration of the two-year period following the date of~~
344 ~~judgment with prior notice to the prosecuting attorney of such application, said court shall~~
345 ~~direct remission of 50 percent of the bond amount remitted to the surety if the principal~~
346 ~~is produced, surrendered, or otherwise appears before the court that has jurisdiction of the~~
347 ~~bond or if the surety provides proof of the principal's incarceration or confinement in~~
348 ~~another jurisdiction, proof of the principal's death, or proof that surrender of principal was~~
349 ~~denied by the sheriff or other responsible law enforcement officer within such two-year~~
350 ~~period following payment of the judgment; or~~

351 (3) ~~Remission~~ One hundred percent remission shall be granted upon condition of the
352 payment of court costs and of the expenses of returning the principal to the jurisdiction
353 by the surety.

354 (e)(1) If, within ~~120~~ 150 days from entry of the judgment, the surety surrenders the
355 principal to the sheriff or responsible law enforcement officer, or said surrender has been
356 denied by the sheriff or responsible law enforcement officer, or the surety locates the

357 principal in custody in another jurisdiction, the surety shall only be required to pay costs
358 and 5 percent of the face amount of the bond, which amount includes all surcharges. If
359 it is shown to the satisfaction of the court, by the presentation of competent evidence
360 from the sheriff or the holding institution, that said surrender has been made or denied or
361 that the principal is in custody in another jurisdiction or that said surrender has been made
362 and that 5 percent of the face amount of the bond and all costs have been tendered to the
363 sheriff, the court shall direct that the judgment be marked satisfied and that the writ of
364 fieri facias be canceled.

365 (2)(A) The court shall direct that the judgment be marked satisfied and that the writ of
366 fieri facias be canceled, if within ~~120~~ 150 days from entry of the judgment, the surety:

367 (i) Tenders an amount equal to 5 percent of the face amount of the bond and all costs
368 to the sheriff; and

369 (ii) Provides, in writing, the court and the prosecuting attorney for the court that has
370 jurisdiction of the bond with competent evidence giving probable cause to believe that
371 the principal is located in another jurisdiction within the United States and states that
372 it will provide for the reasonable remuneration for the rendition of the principal, as
373 estimated by the sheriff; and

374 (B) The prosecuting attorney for the court that has jurisdiction of the bond:

375 (i) Declines, in writing, to authorize or facilitate extradition; or

376 (ii) Within ten business days of the notice provided pursuant to division (2)(A)(ii) of
377 this subsection, fails to enter the appropriate extradition approval code into the
378 computerized files maintained by the Federal Bureau of Investigation National Crime
379 Information Center, thereby indicating an unwillingness to extradite the principal."

380

SECTION 10.

381 Code Section 17-10-6.1 of the Official Code of Georgia Annotated, relating to punishment
382 for serious violent offenders and authorization for reduction in mandatory minimum
383 sentencing, is amended by revising subsection (a) as follows:

384 "(a) As used in this Code section, the term 'serious violent felony' means:

385 (1) Murder or felony murder, as defined in Code Section 16-5-1;

386 (2) Armed robbery, as defined in Code Section 16-8-41;

387 (3) Kidnapping, as defined in Code Section 16-5-40;

388 (4) Rape, as defined in Code Section 16-6-1;

389 (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4,
390 unless subject to the provisions of paragraph (2) of subsection (d) of Code Section
391 16-6-4;

392 (6) Aggravated sodomy, as defined in Code Section 16-6-2; ~~or~~

393 (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2; or

394 (8) Domestic terrorism, as defined in Code Section 16-11-220."

395

SECTION 11.

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