



SB 407 Criminal Justice Reform

Part 1 – Efiling

Section 1-1

Requires all civil cases be electronically filed and that each filer, per party pay a \$30.00 fee to file, the clerk of superior court shall retain \$2.00 of the fee to remit to the governing authority of the county.

Creates Criminal Case Data Exchange Board (CCDEB) to create rules concerning efiling in superior court criminal cases on or after January 1, 2019. The Board has 15 members and one member appointed by the Governor is a county commissioner. The Criminal Case Data Exchange Board will create rules concerning efiling in state court criminal cases on or after January 1, 2019

Numerates duties of the CCDEB including promulgation of rules with respect to courts receiving criminal case filings electronically and the exchange of data amongst agencies and entities with respect to a criminal case from its inception to its conclusion.

Requires that all juvenile courts collect data on each child alleged or adjudicated as delinquent and transmit as directed by rules promulgated by the Judicial Council of Georgia.

Requires that all Superior and State Court have civil e-filing in place by January 1, 2019 and caps the electronic filing fee at \$30 per filer in each case, of which the county governing authority receives \$2.00 for each filer.

Prohibits the Superior Court Clerks from entering into an exclusive contract or agreement that will not allow more than one provider, however it does not require that clerks enter into contracts or agreements with more than one provider.

Part 2 – Allows Citations in Lieu of Misdemeanor Arrest.

Authorizes the Judicial Council to develop a uniform misdemeanor citation and complaint form for misdemeanor and local ordinance violations.

Expands the list of crimes that an officer can arrest by citation to include the misdemeanor crimes of criminal trespass, shoplifting, refund fraud, and possession of marijuana.

Places an obligation on courts in arrest by citation crimes and local ordinance violations to not impose excessive bail and shall impose the least restrictive conditions possible given the circumstances of the crime.

Requires courts to consider as soon as possible the accused's financial ability to pay among other factors in setting bail. Excludes family violence crimes from being on a bail schedule.

Includes unsecured monetary bond signed by the accused in the definition of bail.

Expands the list of judges who can set bail to include judges sitting by designation

Lists factors the court shall consider when imposing fines and fees, including the defendant's ability to pay and his/her financial resources and allows defendants who are convicted of local ordinance violations to satisfy their fine and fee obligations, including probation supervision fees, through community service.

Defines what is a significant financial hardship (developmental disability; totally and permanently disabled; indigent; or in the past 12 months, spent more than 30 days in custody) and requires a court to waive, modify, or convert fines and fees, including probation fees, on anyone who has a significant financial hardship.

Removes the authorization for a judge to impose a fine as a condition to probation. Instead, the code section now caps fines on felony cases at \$100,000.

Allow DDS to issue probationary licenses, limited permits, and interlock permits to anyone who has an expired license

Authorizes an accountability court judge to order DDS to reinstate or issue driver licenses or limited permits as a reward or sanction for actions in the

accountability court and can order the participant to pay the fee required or waive the required fee. The judge can also order the DDS to suspend or revoke any license or permit. Any limited permit granted is good for a year and can be renewed once.

Grants judges the ability to reinstate licenses or permits if the offense for which a defendant was convicted is not directly related to the operation of a motor vehicle.

Includes religious and educational institutions as agencies for which offenders may perform community service.

Allow community service to include living with and taking care of a disabled person

Allow community service to include attending work or job skills training programs and GED classes.

Moves approval of agencies providing locations for community service to the sentencing court.

Allows a court to determine if education advancement or disabled person assistance should be part of community service for an offender and if the court deems it appropriate, the court shall state such in the sentencing order and adds educational advancement or disabled person assistance to community service options.

Expand the protection of first offender record restriction to any sentence that was imposed prior to January 1, 2016.

Caps the supervision fees that can be collected on pay-only probation at three months fees at the rate in the contract between the private probation company and the court. Additionally, the court shall grant the order terminating probation within 90 days of receiving any petition to terminate pay-only probation.

Allows probationers who fail to report when required by their probation officer to avoid getting revoked or tolled if they do report within 10 days of the officer mailing a letter to the probationer.

Prohibits licensing boards to deny or revoke professional licenses based on first offender pleas and conditional discharges unless the felony or crime of moral turpitude directly relates to the occupation for which the license is sought.

Part III – DCH

Allow the Department of Community Health to seek Medicaid eligibility for inmates and then authorizes inmates to receive benefits and repay DCH for the services rendered. Note: if a waiver is sought by the state for Medicaid coverage for opioid addiction counties could also use this provision.

Part IV – Gun Crimes

Increases the punishment for theft by taking firearms. Second and subsequent convictions are now punishable by 5-10 years.

Creates a penalty for using a firearm with an altered ID mark. First offense is 1-5 years, second and subsequent convictions are 5-10 years.

Revises the prohibition on straw purchasers by requiring that the actions be knowingly, prohibiting transfers to convicted felons, first offender probationers, and felony conditional discharge probationers, and providing a penalty. First convictions are 1-5 years, second and subsequent convictions are 5-10 years.

Extend the groups of people who are prohibited from possessing firearms. In addition to convicted felons and first offender probationers, any one on felony conditional discharge probation may no longer possess a firearm while on probation.

A new section was added relating to the prescription drug monitoring program.

Part V

A new part was added which changes the distance for which campus/technical college campus law enforcement have the powers of arrest from 500 yards to 500 feet from campus property.

Allows for mutual aid agreements between local law enforcement agencies and campus/technical college campus to render assistance when requested.