

House Bill 1040

By: Representatives Dunahoo of the 30th, Fleming of the 121st, Hawkins of the 27th, Gravley of the 67th, Lumsden of the 12th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated,
2 relating to agreements for probation services, so as to revise the total maximum fee that shall
3 be collected when pay-only probation is imposed; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
8 agreements for probation services, is amended by revising subsection (b) of Code
9 Section 42-8-103, relating to pay-only probation and discharge or termination of probation,
10 as follows:

11 "(b) When pay-only probation is imposed, the total maximum fee collected shall be capped
12 so as not to exceed ~~three~~ six months of ordinary probation supervision fees at a monthly
13 rate not to exceed the rate set forth in the contract between the court and the provider of
14 services, notwithstanding the number of cases for which a fine and statutory surcharge
15 were imposed or that the defendant was sentenced to serve consecutive sentences;
16 provided, however, that collection of such fee shall terminate as soon as all court imposed
17 fines and statutory surcharges are paid in full; and provided, further, that when all such
18 fines and statutory surcharges are paid in full, the probation officer or private probation
19 officer, as the case may be, shall submit an order to the court terminating the probated
20 sentence within 30 days of fulfillment of such conditions. Within 90 days of receiving
21 such order, the court shall issue an order terminating such probated sentence or issue an
22 order stating why such probated sentence shall continue."

23 style="text-align:center">**SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.