

House Bill 728

By: Representatives McLeod of the 105th, Scott of the 76th, Schofield of the 60th, Lim of the 99th, Davis of the 87th, 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 camp, 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 the effective date of this Code section, before the expiration
25 or first renewal of such contract. This Code section shall not alter or affect the operation
26 of any existing interstate compact or agreement between this state and any other state or
27 the federal government, or between any political subdivision of this state and any other
28 state or the federal 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30 All laws and parts of laws in conflict with this Act are repealed.