



# Sentencing Legislation

Senate Bill 440 is the Juvenile Justice Reform Act of 1994, which gave the superior (adult) court exclusive jurisdiction over the trial of any juvenile 13-17 years old alleged to have committed offenses known as the “Seven Deadly Sins.” Senate Bill 441 states that any offender convicted of the seven crimes identified in SB 440 will serve a minimum of 10 years in prison. Following these bills, Criminal Justice Reform (CJR) kicked off in 2012. CJR aimed to reduce the growth of the prison population and more.

## MISSION

To protect Georgians by operating secure facilities and providing opportunities for offender rehabilitation.

**Tyrone Oliver**, Commissioner

**Ahmed Holt**, Assistant Commissioner Facilities Division

## OVERVIEW

- **Senate Bill 440 – The Juvenile Justice Reform Act of 1994**
- **Senate Bill 441 – Mandatory Minimums of 1995**
  - Passed at the time of “get tough on crime”
  - Impacted the rising prison population
  - Bills seen by the public as being tough on crime were popular at the time
  - Current research and prison overcrowding show that perhaps these policies are no longer a best practice
- **House Bill 1176 - Criminal Justice Reform Bill**
  - Passed in 2012
  - Contained legislation focused on rehabilitation rather than incarceration for non-violent offenders
- **House Bill 349 - second leg of Criminal Justice Reform**
  - Passed in 2013
  - Contained legislation focused on mandatory minimum safety values and creation of the Georgia Council on Criminal Justice Reform
- **Senate Bill 365 - third leg of Criminal Justice Reform**
  - Passed in 2014
  - Contained legislation focused on post-incarceration reforms suggested by the Georgia Council on Criminal Justice Reform
- **Senate Bill 367**
  - Passed in 2016
  - The bill promotes the successful reentry into society of those with a criminal record
  - Contained legislation focused on improving misdemeanor probation system, increased opportunities to secure employment, and lifted the ban on food stamps for certain offenders
- **Senate Bill 174**
  - Passed in 2017
  - Reduces probation supervision length and enhanced probationers and parolees’ conditions of supervision to prevent recidivism
  - Encourages alternate sentencing for certain offenses and allows input from victims and prosecuting attorneys in the parole process
- **Senate Bill 407**
  - Passed in 2018
  - Comprehensive reform bill that improves pretrial justice, mainly related to misdemeanor bail; addresses probation cost, parole eligibility, Medicaid, and other public assistance benefits to offenders; and enhances sentencing for certain offenses



## SENATE BILL 440

- Any juvenile offender who is convicted of seven specific offenses will serve their time in a Department of Corrections (DOC) facility, rather than in the custody of the Department of Juvenile Justice
- Gave the superior (adult) court exclusive jurisdiction over the trial of any juvenile 13-17 years of age alleged to have committed offenses known as the “Seven Deadly Sins”
  - Murder
  - Rape
  - Armed robbery with firearm
  - Aggravated child molestation
  - Aggravated sodomy
  - Aggravated sexual battery
  - Voluntary manslaughter
- Original juvenile justice system was based on a rehabilitative model that offered treatment to young offenders
- Rehabilitation was replaced by retribution in the 1990s
- Result of a staggering increase in juvenile crime
- The spike in juvenile crime was short-lived
- Juvenile crime rates returned to normal levels in 1995 and have dropped since that time
- Legislators passed laws that:
  - Transferred youth to adult criminal court if they committed certain offenses
  - Juvenile offenders would face long sentences in the adult system
  - From 1990-1996, 44 states and the District of Columbia had passed similar laws
  - By 2006, every state had passed a juvenile transfer law
  - Youth arrested for one of the “Seven Deadly Sins” does not mean they will be tried in the adult system as prior to indictment, the Superior Court exercises prosecutorial discretion on which court, if any, the case ultimately will be heard.
  - In some circumstances, juveniles may end up serving life in prison without the possibility of parole. Those offenders serve their sentences in adult prisons.

## SENATE BILL 441

- Any offender convicted of one of the seven crimes identified in SB 440 (also known as the “Seven Deadly Sins”) will serve a minimum of 10 years in prison:
  - If the offender was sentenced to longer than the 10-year minimum, they would not be eligible for parole at any time during that sentence
- A second conviction for these offenses would result in a sentence of life without parole
- The seven crimes include:
  - Murder
  - Rape
  - Armed robbery with firearm
  - Aggravated child molestation
  - Aggravated sodomy
  - Aggravated sexual battery
  - Voluntary manslaughter
- Effective January 1, 1995
- Also known as “two strikes” law
- Anyone convicted of a second “deadly sin” receives a mandatory sentence of life without parole

# Criminal Justice Reform

- Passed in 2012
- Aimed to curb the growth of prison population and improve public safety, while saving tax payers money
- Steers the least dangerous, least hardened offenders away
- Special Council on Criminal Justice Reform collaborated with the Pew Center
- Reserved prison space for people who commit serious crimes
- Created degrees of severity for crimes like:
  - Burglary
  - Forgery
  - Theft
- Raised the threshold for felony theft from \$500 to \$1,500
- Established alternatives to incarceration for low-level, non-violent drug and property offenders
- Allowed the courts to order electronic monitoring with all offenders.
- Allowed probation to impose graduated sanctions that swiftly and certainly respond to offender violations
- Invested \$10 million in accountability courts and diversion programs
- Offenders struggling with drug addiction and mental illness:
  - Receive treatment
  - Are required to work
  - Are required to remain sober
- Monitors efficiency to see what's working and what isn't

## HOUSE BILL 1176

- Passed March 2013; effective July 2013
- Second leg of Criminal Justice Reform
- Created a 15-member panel Georgia Council on Criminal Justice Reform
- Created a safety valve on mandatory minimums for:
  - Drug Trafficking
  - Seven Deadly Sins
- Defined "Unsupervised" probation as a probated sentence that follows active probation
- Probationer may have reduced reporting requirements, supervisor shall not actively supervise probationer; however, all conditions remain intact
- Restored a suspended driver's license for limited use for participants of a drug or mental health court in order to allow them to attend the court-order program
- Created a \$500 HOPE voucher for those who complete their GED while incarcerated (must be used within 24 months of release)

## HOUSE BILL 349

## SENATE BILL 354

- Passed in 2014
- Third leg of Criminal Justice Reform
- Focused on post-incarceration reforms suggested by the Georgia Council on Criminal Justice Reform
- Developed and implement programs to assist adult offenders with reentry
- Provided liability protection to employers who hire former offenders who successfully completed GDC pre-release programs
- Created a Program Treatment Completion certificate, which went live February 2015

## HOUSE BILL 310

- Created a new agency, Department of Community Supervision (DCS)
- Merged all felony community supervision into one agency
- Governor Deal signed HB 310 into law on May 7, 2015
- DCS officially began operations July 1, 2015
- GDC Probation Operations, Pardons & Paroles (PAP) and Department of Juvenile Justice Probation merged to create DCS
- July 1, 2015 transferred 160,000 probationers and 1,600 Probation Operations employees to DCS