

## Senate Bill 63

By: Senators Robertson of the 29th, Gooch of the 51st, Brass of the 28th, Anavitarte of the 31st, Kennedy of the 18th and others

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 end the issuance of  
6 uniform identification cards to bail recovery agents; to revise when forfeiture of bonds  
7 occurs; to revise procedures relating to execution hearings; to revise procedures for  
8 judgments on forfeitures and remission of bond funds; to revise definitions; to amend Code  
9 Section 17-10-6.1 of the Official Code of Georgia Annotated, relating to punishment for  
10 serious violent offenders and authorization for reduction in mandatory minimum sentencing,  
11 so as to identify domestic terrorism as a serious violent felony; to provide for related matters;  
12 to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

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

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

40

**SECTION 2.**

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

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

50

**SECTION 3.**

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

54 "17-6-12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169 **SECTION 4.**

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

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

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

180 (A) A deferred sentence;

181 (B) A presentence investigation;

182 (C) ~~A court ordered~~ Entry into a pretrial intervention program;

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

184 (E) A fine;

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

186 (G) Death of the principal;

187 (H) Participation in an accountability court;

188 (I) Entry into a pretrial release program; or

189 (J) Entry into an electronic pretrial release or monitoring program.

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

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

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

199 (e) If the prosecuting attorney does not try the charges against a defendant within a period  
 200 of two years in the case of felonies and one year in the case of misdemeanors after the date  
 201 of posting bond, ~~then judgment rendered after such period may not be enforced against the~~  
 202 ~~surety on the bond and the surety shall thereafter be relieved of liability on the bond. This~~  
 203 ~~subsection shall not apply where the prosecuting attorney's failure to try the charges is due~~  
 204 ~~to the fault of the principal."~~

205

### SECTION 5.

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

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

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

- 224 (5) The defendant fails to notify ~~the court and~~ the surety upon leaving the jurisdiction of  
225 the court; or  
226 (6) The defendant provides false information to the surety."

227 **SECTION 6.**

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

231 "(b) The fee for continuing education programs for bail recovery agents shall not exceed  
232 ~~\$125.00~~ \$250.00 annually."

233 **SECTION 7.**

234 Said chapter is further amended by revising Code Section 17-6-57, relating to bail recovery  
235 agents, notification to local police, out-of-state agents, and identification card, as follows:

236 "17-6-57.

237 (a) Any bail recovery agent who enters any local police jurisdiction in pursuit of and for  
238 the purpose of apprehending the principal on a bail bond or capturing a fugitive or  
239 engaging in surveillance of such principal or fugitive shall, prior to taking any action in his  
240 or her capacity as a bail recovery agent in that local police jurisdiction, notify by facsimile  
241 transmission or telephone the sheriff and police chief of the local police jurisdiction in  
242 which the surveillance, apprehension, or capture is to take place unless it is to take place  
243 in public.

244 (b) An out-of-state bail recovery agent shall submit proof to the sheriff or police chief that  
245 he or she is qualified to be a bail recovery agent under the requirements of his or her home  
246 state. An out-of-state bail recovery agent shall deliver a certified copy of the bail bond or  
247 of the forfeiture or failure to appear to the sheriff or chief of police. Such out-of-state bail  
248 recovery agent, if not qualified in his or her home state or if his or her home state does not

249 require bail recovery agents to be qualified, shall employ a Georgia bail recovery agent  
 250 who is lawfully registered pursuant to this part.

251 ~~(c) Each professional bondsman shall issue a uniform identification card to each bail~~  
 252 ~~recovery agent registered by the professional bondsman which identification card shall~~  
 253 ~~include the bail recovery agent's name, height, weight, address, photograph, and signature.~~  
 254 ~~The identification card shall also include the signature of the professional bondsman who~~  
 255 ~~has registered the bail recovery agent as required in subsection (c) of Code~~  
 256 ~~Section 17-6-56. A bail recovery agent shall be required to carry such identification card~~  
 257 ~~while acting in the capacity as a bail recovery agent."~~

258 **SECTION 8.**

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

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

267 **SECTION 9.**

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

270 "17-6-71.

271 ~~(a) The judge shall, at the end of the court day, upon the failure of the principal to appear,~~  
 272 ~~forfeit the bond, issue a bench warrant for the principal's arrest, and order an execution~~  
 273 ~~hearing not sooner than 120 days but not later than 150 days after such failure to appear.~~

274 ~~Notice of the execution hearing shall be served by the clerk of the court in which the bond~~  
275 ~~forfeiture occurred within ten days of such failure to appear by certified mail or by~~  
276 ~~electronic means as provided in Code Section 17-6-50 to the surety at the address listed on~~  
277 ~~the bond or by personal service to the surety within ten days of such failure to appear at its~~  
278 ~~home office or to its designated registered agent. Service shall be considered complete~~  
279 ~~upon the mailing of such certified notice. Such ten-day notice shall be adhered to strictly.~~  
280 ~~If notice of the execution hearing is not served as specified in this subsection, the surety~~  
281 ~~shall be relieved of liability on the appearance bond~~ The judge shall, at the end of the court  
282 day, upon the failure of the principal to appear, forfeit the bond and issue a bench warrant  
283 for the principal's arrest. If the forfeiture and bench warrant are not issued and signed on  
284 the day of the failure to appear, the surety shall be relieved of liability on the appearance  
285 bond. Upon forfeiting the bond, the judge shall order an execution hearing not sooner  
286 than 150 days but not later than 180 days after such failure to appear. If the execution  
287 hearing is not ordered as specified in this subsection, the surety shall be relieved of liability  
288 on the appearance bond. Notice of the execution hearing and a copy of the bench warrant  
289 shall be served by the clerk of the court in which the bond forfeiture occurred within ten  
290 days of such failure to appear by certified mail, return receipt requested, or by electronic  
291 means as provided in Code Section 17-6-50 to the surety at the address listed on the bond  
292 or by personal service to the surety within ten days of such failure to appear at its home  
293 office or to its designated registered agent. Service shall be considered complete upon the  
294 mailing of such certified notice. Such ten-day notice shall be adhered to strictly. If notice  
295 of the execution hearing and bench warrant are not served as specified in this subsection,  
296 the surety shall be relieved of liability on the appearance bond.

297 (b) If at the execution hearing it is determined that judgment should be entered, the judge  
298 shall so order and a writ of fieri facias shall be filed in the office of the clerk of the court  
299 where such judgment is entered. Notice of the judgment shall be served by the clerk of the  
300 court in which entry of judgment occurred within ten days of such entry by certified mail,

301 return receipt requested, or by electronic means as provided in Code Section 17-6-50 to the  
 302 surety at the address listed on the bond or by personal service to the surety within ten days  
 303 of such entry of judgment at its home office or to its designated registered agent. Service  
 304 shall be considered complete upon the mailing of such certified notice. Such ten-day notice  
 305 shall be adhered to strictly. If the notice of the judgment is not served in the time frame as  
 306 specified in this subsection, the surety shall be relieved of liability on the appearance bond,  
 307 the judgment shall be marked satisfied, and the writ of fieri facias shall be canceled. The  
 308 provisions of this subsection shall apply to all bail bonds, whether returnable to superior  
 309 court, state court, probate court, magistrate court, or municipal court."

310

### SECTION 10.

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

314 "(b) No judgment shall be rendered on a forfeiture of any appearance bond if it is shown  
 315 ~~to the satisfaction of the court that~~ the principal on the bond was prevented from attending  
 316 because he or she was detained by reason of arrest, sentence, or confinement in a penal  
 317 institution or jail in the State of Georgia, or so detained in another jurisdiction, or because  
 318 he or she was involuntarily confined or detained pursuant to court order in a mental  
 319 institution in the State of Georgia or in another jurisdiction. ~~An official written~~ Written  
 320 notice of the holding institution in which the principal is being detained or confined shall  
 321 be considered proof of the principal's detention or confinement. ~~Such notice may be sent~~  
 322 ~~from the holding institution by mail or e-mail or delivered by hand or by facsimile~~  
 323 ~~machine.~~ Upon the presentation of such written notice to the clerk of the proper court, the  
 324 prosecuting attorney, and the sheriff or other law enforcement officer having jurisdiction  
 325 over the case, along with a letter of intent to pay all costs of returning the principal to the  
 326 jurisdiction of the court, such notice and letter shall serve as the surety's request for a

327 detainer or hold to be placed on the principal. Should there be a failure to place a detainer  
328 or hold within ten business days of the surety's service of a detainer or hold request, and  
329 after such presentation of such notice and letter of intent to pay costs, the surety shall then  
330 be relieved of the liability for the appearance bond without further order of the court.

331 (c) No judgment shall be rendered on a forfeiture of any appearance bond if ~~it is shown to~~  
332 ~~the satisfaction of the court that~~ prior to the entry of the judgment on the forfeiture the  
333 principal on the bond is in the custody of the sheriff or other responsible law enforcement  
334 agency. ~~An official written~~ Written notice of the holding institution in which the principal  
335 is being detained or confined shall be considered proof of the principal's detention or  
336 confinement. ~~Such notice may be sent from the holding institution by mail or e-mail or~~  
337 ~~delivered by hand or by facsimile machine.~~ Upon presentation of such written notice to the  
338 clerk of the proper court, the prosecuting attorney, and the sheriff or other law enforcement  
339 officer having jurisdiction over the case along with a letter of intent to pay all costs of  
340 returning the principal to the jurisdiction of the court, such notice and letter shall serve as  
341 the surety's request for a detainer or hold to be placed against the principal. Should there  
342 be a failure to place a detainer or hold within ten business days of the surety's service of  
343 a detainer or hold request, and after presentation of such notice and letter of intent to pay  
344 costs, the surety shall then be relieved of the liability for the appearance bond without  
345 further order of the court."

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

348 (1) Provided the bond amount has been paid within ~~120~~ 150 days after entry of the  
349 judgment ~~and the delay has not prevented prosecution of the principal~~ and upon  
350 application filed within ~~120~~ 150 days from the payment of judgment with prior notice to  
351 the prosecuting attorney of such application, said court shall direct remission of 95  
352 percent of the bond amount remitted to the surety if the principal is produced,  
353 surrendered, or otherwise appears before the court that has jurisdiction of the bond or if

354 the surety provides proof of the principal's incarceration or confinement in another  
355 jurisdiction, proof of the principal's death, or proof that surrender of the principal was  
356 denied by the sheriff or other responsible law enforcement officer within such ~~120~~ 150  
357 day period following payment of the judgment;

358 (2) Provided the bond amount has been paid within ~~120~~ 150 days after the entry of  
359 judgment and the delay has not prevented prosecution of the principal, should the surety,  
360 ~~within two years of the principal's failure to appear, locate the principal in the custody of~~  
361 ~~the sheriff in the jurisdiction where the bond was made or in another jurisdiction causing~~  
362 ~~the return of the principal to the jurisdiction where the bond was made, apprehend,~~  
363 ~~surrender, or produce the principal, if the apprehension or surrender of the principal is~~  
364 ~~substantially procured or caused by the surety, or if the location of the principal by the~~  
365 ~~surety causes the adjudication of the principal in the jurisdiction in which the bond was~~  
366 ~~made, the surety shall be entitled to a refund of 50 percent of the bond amount. The~~  
367 ~~application for 50 percent remission shall be filed no later than 30 days following the~~  
368 ~~expiration of the two-year period following the date of judgment upon application filed~~  
369 within 60 days following the expiration of the two-year period following the date of  
370 judgment with prior notice to the prosecuting attorney of such application, said court shall  
371 direct remission of 50 percent of the bond amount remitted to the surety if the principal  
372 is produced, surrendered, or otherwise appears before the court that has jurisdiction of the  
373 bond or if the surety provides proof of the principal's incarceration or confinement in  
374 another jurisdiction, proof of the principal's death, or proof that surrender of principal was  
375 denied by the sheriff or other responsible law enforcement officer within such two-year  
376 period following payment of the judgment; or

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

380 (e)(1) If, within ~~120~~ 150 days from entry of the judgment, the surety surrenders the  
381 principal to the sheriff or responsible law enforcement officer, or said surrender has been  
382 denied by the sheriff or responsible law enforcement officer, or the surety locates the  
383 principal in custody in another jurisdiction, the surety shall only be required to pay costs  
384 and 5 percent of the face amount of the bond, which amount includes all surcharges. If  
385 it is shown to the satisfaction of the court, by the presentation of competent evidence  
386 from the sheriff or the holding institution, that said surrender has been made or denied or  
387 that the principal is in custody in another jurisdiction or that said surrender has been made  
388 and that 5 percent of the face amount of the bond and all costs have been tendered to the  
389 sheriff, the court shall direct that the judgment be marked satisfied and that the writ of  
390 fieri facias be canceled.

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

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

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

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

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

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

406

**SECTION 11.**

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

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

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

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

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

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

415 (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4,  
416 unless subject to the provisions of paragraph (2) of subsection (d) of Code Section  
417 16-6-4;

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

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

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

421

**SECTION 12.**

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