

House Bill 403

By: Representatives Holcomb of the 81<sup>st</sup>, Gilliard of the 162<sup>nd</sup>, Kennard of the 102<sup>nd</sup>, Paris of the 142<sup>nd</sup>, Hugley of the 136<sup>th</sup>, 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 "42-1-11.3.

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 camps, 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 July 1, 2019, before the expiration or first renewal of such  
25 contract. This Code section shall not alter or affect the operation of any existing interstate  
26 compact or agreement between this state and any other state or the federal government, or

27 between any political subdivision of this state and any other state or the federal  
28 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30 All laws and parts of laws in conflict with this Act are repealed.