

House Bill 1553

By: Representatives Crowe of the 110<sup>th</sup>, Collins of the 68<sup>th</sup>, Williams of the 145<sup>th</sup>, Lumsden of the 12<sup>th</sup>, Smith of the 18<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to board  
2 and Department of Corrections, so as to provide for adoption of rules and regulations by the  
3 board of the Department of Corrections; to provide for the adoption of a rule relating to  
4 housing an inmate convicted of murder of a peace officer killed in the line of duty in a close  
5 security facility; to provide for the adoption of a rule relating to any transfer of such inmate  
6 to a lower security facility; to provide for a short title; to provide for definitions; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as "Bishop's Law."

11 **SECTION 2.**

12 Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to board and  
13 Department of Corrections, is amended by revising Code Section 42-2-11, relating to powers  
14 and duties of board and adoption of rules and regulations, as follows:

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15 "42-2-11.

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

17 (1) 'Close security facility' means a facility with staffing and physical security measures  
18 designed for offenders requiring the maximum level of oversight.

19 (2) 'Evidence based practices' means supervision policies, procedures, programs, and  
20 practices that scientific research has demonstrated to reduce recidivism among  
21 individuals who are under some form of correctional supervision.

22 (3) 'Peace officer' means a person who is certified to exercise the powers of arrest.

23 (4) 'Recidivism' means returning to prison or jail within three years of being placed on  
24 probation or being discharged or released from a department or jail facility.

25 (5) 'Rules and regulations' shall have the same meaning as the word 'rule' in  
26 paragraph (6) of Code Section 50-13-2.

27 ~~(a)~~(b) The board shall establish the general policy to be followed by the department and  
28 shall have the duties, powers, authority, and jurisdiction provided for in this title or as  
29 otherwise provided by law.

30 ~~(b)~~(c) The board is authorized to adopt, establish, and promulgate rules and regulations  
31 governing the transaction of the business of the state penal system ~~of the state~~ by the  
32 department and the commissioner and the administration of the affairs of ~~the penal system~~  
33 ~~in~~ the different penal institutions ~~coming~~ under its authority and supervision and shall make  
34 the institutions as self-supporting as possible. Such rules and regulations shall address the:

35 ~~(c)~~(1) The board shall adopt rules governing the assignment Assignment, housing,  
36 working, feeding, clothing, treatment, discipline, rehabilitation, training, and  
37 hospitalization of all inmates coming under its custody; provided that any inmate  
38 convicted of murder of a peace officer killed in the line of duty shall be assigned housing  
39 at a close security facility;

40 ~~(2)~~(A) As used in this paragraph, the term:

41 ~~(i) 'Evidence based practices' means supervision policies, procedures, programs, and~~  
42 ~~practices that scientific research demonstrates reduce recidivism among individuals~~  
43 ~~who are under some form of correctional supervision.~~

44 ~~(ii) 'Recidivism' means returning to prison or jail within three years of being placed~~  
45 ~~on probation or being discharged or released from a department or jail facility.~~

46 ~~(B)(2) Management The board shall adopt rules and regulations governing the~~  
47 ~~management and treatment of inmates coming under its custody to ensure that evidence~~  
48 ~~based practices, including the use of a risk and needs assessment and any other method~~  
49 ~~the board deems appropriate, guide decisions related to preparing inmates for release into~~  
50 ~~the community;. Any risk and needs assessment instrument shall be revalidated by~~  
51 ~~January 1, 2019, and every five years thereafter. The board shall require the department~~  
52 ~~to collect and analyze data and performance outcomes relevant to the level and type of~~  
53 ~~treatment given to an inmate and the outcome of the treatment on his or her recidivism~~  
54 ~~and prepare an annual report regarding such information which shall be submitted to the~~  
55 ~~Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the~~  
56 ~~chairpersons of the House Committee on Judiciary and the Senate Judiciary Committee.~~

57 ~~(C) Using evidence based practices, the board shall evaluate the quality of the~~  
58 ~~programming utilized at all department facilities, except state prisons, by January 1,~~  
59 ~~2019, and every five years thereafter, and shall publicly publish its report.~~

60 ~~(d)(3) Welfare The board shall also adopt rules and regulations governing the conduct~~  
61 ~~and the welfare of the employees of the state institutions operating under its authority and~~  
62 ~~of the county correctional institutions and correctional facilities or programs operating~~  
63 ~~under its supervision. It shall prescribe the, including the prescription of working hours~~  
64 ~~and conditions of work for employees in the office of the commissioner and in~~  
65 ~~institutions operating under the authority of the board;.~~

66 ~~(e)(4) Negotiation The board shall also adopt rules and regulations governing the~~  
67 ~~negotiation and execution of any contract for the land acquisition, design, construction,~~

68 operation, maintenance, use, lease, or management of a state correctional institution or  
69 for any services pertaining to the custody, care, and control of inmates or other functions  
70 as are related to the discharge of these responsibilities;

71 ~~(f) The board shall adopt rules:~~

72 ~~(1)(5) Transfer~~ Providing for the transfer to a higher security facility of each inmate who  
73 commits battery or aggravated assault against a correctional officer while in custody;  
74 provided, however, that this provision shall not apply in instances where the inmate is  
75 already incarcerated in a maximum close security facility; and

76 ~~(2)(6) Procedures~~ Specifying the procedures for offering department assistance to  
77 employees who are victims of battery or aggravated assault by inmates in filing criminal  
78 charges or civil actions against their assailants, including procedures for posting notices  
79 that such assistance is available to any employee who is subjected to battery or  
80 aggravated assault by an inmate, but not including legal representation of such  
81 employees; and

82 (7) Prohibition of the transfer of any inmate convicted of murder of a peace officer killed  
83 in the line of duty to a lower security facility without written documentation of the  
84 justification for such transfer and notice to the family members of the peace officer.

85 (d)(1) Any risk and needs assessment instrument shall be revalidated by January 1, 2019,  
86 and every five years thereafter. The board shall require the department to collect and  
87 analyze data and performance outcomes relevant to the level and type of treatment given  
88 to an inmate and the outcome of the treatment on his or her recidivism and prepare an  
89 annual report regarding such information which shall be submitted to the Governor, the  
90 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons  
91 of the House Committee on Judiciary and the Senate Judiciary Committee.

92 (2) Using evidence based practices, the board shall evaluate the quality of the  
93 programming utilized at all department facilities except state prisons by January 1, 2019,  
94 and every five years thereafter, and shall publicly publish its report.

95 ~~(g)~~(e) All rules and regulations adopted pursuant to this Code section shall be adopted,  
96 established, promulgated, amended, repealed, filed, and published in accordance with the  
97 applicable provisions and procedure as set forth in Chapter 13 of Title 50, the 'Georgia  
98 Administrative Procedure Act.' The courts shall take judicial notice of any such rules or  
99 regulations.

100 ~~(h) As used in this Code section, the words 'rules and regulations' shall have the same~~  
101 ~~meaning as the word 'rule' is defined in paragraph (6) of Code Section 50-13-2.~~

102 ~~(i)~~(f) The board shall have the authority to request bids and proposals and to enter into  
103 contracts for the operation of probation detention centers by private companies and entities  
104 for the confinement of probationers under Code Section 42-8-35.4. The board shall have  
105 the authority to adopt, establish, and promulgate rules and regulations for the operation of  
106 probation detention centers by private companies and entities."

107

### SECTION 3.

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