

HOUSE BILL 194

About HB194

In 2019 the Georgia Supreme Court ruled that it was unconstitutional to subject someone to electronic monitoring beyond the term of their sentence. As a legislative “work around,” HB194 would give a Judge only **two options** in sentencing someone for a 2nd Sexual Offense: **lifetime imprisonment** or imprisonment followed by **lifetime supervision with electronic monitoring** (ankle monitor).

Problems with this bill

- Simply: **This bill removes Judicial discretion.** It ties a Judges hands, forcing them to make an impossible decision: Sentence someone to prison for the rest of their life or split the prison sentence with a lifetime of probation and electronic monitoring.
- Georgia leads the nation in probation. There are over **200,000 individuals on probation** in our state. This bill would only serve to maintain or increase our status as a mass probation state.
- This bill claims that a judicial review will occur 10 years post-conviction to determine if a life sentence was appropriate. The 10 year wait for review is to give the Sexual Offender Registration Review Board (SORRB) enough time to assign a risk classification to the individual. We should not be issuing life sentences to individuals because **a state agency has a 10-year backlog of cases.**
- Electronic monitoring costs **\$1,127.85 per person per year.** The Department of Community Supervision (DCS) pays the cost of electronic monitoring their probationers. In 2019 a Senate Study Committee found that DCS spent **\$334,156** on ankle monitors for Tier 3 registrants alone. With Judges being **REQUIRED** to impose **LIFETIME** ankle monitoring on nearly **EVERYONE** convicted of a 2nd offense, not just Tier 3, this number is expected to grow by at least 7%.

How to fix this bill

Change SHALL to MAY and give Judges a SAY

In every instance of this bill we are asking for the following language:

~~shall~~ **may** be punished by imprisonment for life or a split sentence that is a term of imprisonment followed by probation for life. As a condition of probation, the court ~~shall~~ **may** impose the requirement of electronic monitoring.

Research and Analysis

- This bill is designed to protect Georgia from Sexually Dangerous Predators. Of the 23,510 people on Georgia’s registry, 898 (3.7%) are classified as a Sexually Dangerous Predator and would have previously been placed on electronic monitoring for life with 40% being currently incarcerated.
- When the Sexual Offender Registration Review Board (SORRB) assigns a Sexually Dangerous Predator classification, clinical evaluators consider multiple factors, not just criminal history.

This bill exists because its sponsor incorrectly believes that registrants classified as Sexually Dangerous Predators are actively committing new offenses and are not being caught because they do not have electronic monitoring in place. Research indicates that approximately **5%** of adult sex offenders commit new sexual offenses over time* as compared to the national recidivism of 43%.

*Source: <https://tinyurl.com/soreoffend>