

IN THE SUPERIOR COURTS OF CHATTAHOOCHEE, HARRIS,
MARION, MUSCOGEE, TALBOT, AND TAYLOR COUNTIES
STATE OF GEORGIA

TO: ALL SHERIFFS, JAILERS, CUSTODIANS OF PRE-TRIAL DETENTION FACILITIES,
DISTRICT ATTORNEYS, MAGISTRATES AND PRE-TRIAL OFFICERS

STANDING ORDER REGARDING FELONY BAIL PROCEDURE

Pursuant to O.C.G.A. 17-6-1(f)(1), the Superior Court Judges of the Chattahoochee Judicial Circuit have previously published a recommended schedule of bail bonds, and that schedule remains in place. The previously issued schedule of bonds shall continue to apply, except as follows:

**I. PROHIBITION OF UNSECURED JUDICIAL RELEASE (“OR BONDS”)
FOR CERTAIN OFFENSES (EFFECTIVE JULY 1, 2023)**

Pursuant to O.C.G.A. § 17-6-12

(b)(1) An elected judge, an appointed judge filling the vacancy of an elected judge, or a judge sitting by designation may issue an unsecured judicial release under subparagraph (a)(2)(A) of this Code section if:

(A) Such unsecured judicial release is noted on the release order; and

(B) The person is not charged with a bail restricted offense, which are defined by statute as a felony offense of:

- (i) Aggravated assault;
- (ii) Aggravated battery;
- (iii) Hijacking a motor vehicle in the first degree;
- (iv) Aggravated stalking;
- (v) Child molestation;
- (vi) Enticing a child for indecent purposes;
- (vii) Pimping;
- (viii) Robbery;
- (viii.1) Burglary;
- (ix) Bail jumping;
- (x) Escape;
- (xi) Possession of a firearm or knife during the commission of or attempt to commit certain crimes;
- (xii) Possession of firearms by convicted felons and first offender probationers;
- (xiii) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine;
- (xiv) Participating in criminal gang activity as defined in OCGA 16-15-3;
- (xv) Habitual violator;
- (xvi) Driving under the influence of alcohol, drugs, or other intoxicating substances;
- (xvii) Entering an automobile or other mobile vehicle with intent to commit theft or felony, as defined in Code Section 16-8-18; or
- (xviii) Stalking; or

A misdemeanor offense of:

- (i) Crimes involving family violence, as defined in Code Section 19-13-1; or
- (ii) Stalking.

(C) The person has not been convicted of bail jumping as provided in Code Section 16-10-51 within the past five years; and

(D) No bench warrant has been issued for the person's arrest based on such person's *failure to appear* in court within the past five years; provided, however, that this subparagraph shall not apply if such warrant was recalled or issued on the basis of such person's failure to appear for a nonserious traffic offense, as such term is defined in Code Section 35-3-37.

II. PROHIBITION OF ANY BOND FOR PERSONS ALREADY ON BOND FOR A "BAIL RESTRICTED OFFENSE" & PERSONS ARRESTED 3 OR MORE TIMES IN 12 MONTHS PRIOR TO CURRENT OFFENSE

Effective immediately, the following persons shall not be assessed a bond if the person meets any of the following criteria:

- A. The person, at the time of arrest for a felony, is on bond for a felony "bail restricted offense" in any county in the State of Georgia, said "bail restricted offenses" being specifically listed in this Standing Order as well as in O.C.G.A. § 17-6-12(a)(1)(b).
- B. The person has been arrested three or more times in the 12 months immediately preceding his or her arrest for the current offense.

If such person meets either criterion, no bond shall be assessed on the new felony offense, the person's case shall be bound over to Superior Court and the case set for a bond hearing within 90 days of arrest in front of the Superior Court Judge to whom any pending bail restricted felony case is assigned.

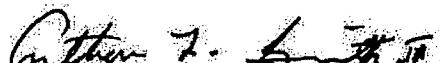
III. PROHIBITION OF UNSECURED JUDICIAL RELEASE ("OR BONDS") FOR CERTAIN OFFENSES (SB 63) (EFFECTIVE JULY 1, 2024)

Effective July 1, 2024, O.C.G.A. § 17-6-12 has been amended to expand the list of "bail restricted offenses" to include the following 30 offenses:

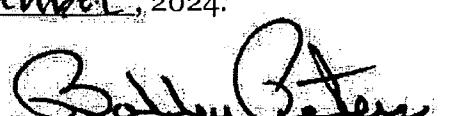
- (AA) Crimes involving family violence, as defined in Code Section 19-13-1;
- (BB) Reckless stunt driving, as described in Code Section 40-6-390.1, provided that such offense is the person's second or subsequent offense;
- (CC) Promoting or organizing an exhibition of drag races or laying drags, as described in Code Section 16-11-43.1;
- (DD) Laying drags, as defined in Code Section 40-6-251;
- (EE) Reckless driving, as described in Code Section 40-6-390, provided that such offense is the person's second or subsequent offense;
- (FF) Fleeing or attempting to elude a police officer, as described in Code Section 40-6-395
- (GG) Obstruction of a law enforcement officer, as described in Code Section 16-10-29;

(HH) Criminal trespass, as described in Code Section 16-7-21, provided that such offense is the person's second or subsequent offense;
(II) Theft by taking, as described in Code Section 16-8-2, provided that such offense is the person's second or subsequent offense;
(JJ) Theft by deception, as described in Code Section 16-8-3;
(KK) Theft by extortion, as described in Code Section 16-8-16;
(LL) Destruction, removal, concealment, encumbrance, or transfer of property subject to security interest, as described in Code Section 16-9-51;
(MM) Bribery, as described in Code Section 16-10-2;
(NN) Purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana, as described in Code Section 16-13-30;
(OO) Forgery, as described in Code Section 16-9-1;
(PP) Exploitation and intimidation of disabled adults, elder persons, and residents or obstruction of an investigation, as described in Code Section 16-5-102;
(QQ) Battery, as described in Code Section 16-5-23.1;
(RR) Voluntary manslaughter, as described in Code Section 16-5-2;
(SS) Cruelty to animals, as described in Code Section 16-12-4;
(TT) Violation of oath by a public officer, as described in Code Section 16-10-1;
(UU) Financial transaction card fraud, as described in Code Section 16-9-33;
(VV) Financial transaction card theft, as described in Code Section 16-9-31;
(WW) Identity fraud, as described in Code Section 16-9-121;
(XX) Racketeering and conspiracy, as described in Code Section 16-14-4;
(YY) Trafficking of persons for labor or sexual servitude, as described in Code Section 16-5-46;
(ZZ) Failure to appear, as described in Code Section 40-13-63, provided that such offense is the person's second or subsequent offense;
(AAA) Domestic terrorism, as described in Code Section 16-11-221;
(BBB) Riot, as described in Code Section 16-11-30;
(CCC) Inciting to riot, as described in Code Section 16-11-31;
(DDD) Unlawful assembly, as described in Code Section 16-11-33; or
(EEE) Possession of tools for commission of a crime, as described in Code Section 16-7-20.

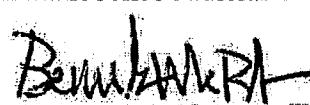
SO ORDERED, this 13th day of September, 2024.



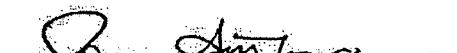
Arthur L. Smith, III, Chief Judge
Superior Court
Chattahoochee Judicial Circuit



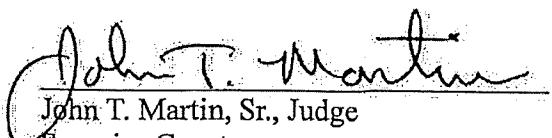
Bobby G. Peters, Judge
Superior Court
Chattahoochee Judicial Circuit



Bemon G. McBride, III, Judge
Superior Court
Chattahoochee Judicial Circuit



Maureen C. Gottfried, Judge
Superior Court
Chattahoochee Judicial Circuit



John T. Martin, Sr., Judge
Superior Court
Chattahoochee Judicial Circuit



Benjamin S. Richardson, Judge
Superior Court
Chattahoochee Judicial Circuit



Carolyn "Tippi" Cain Burch, Judge
Superior Court
Chattahoochee Judicial Circuit