

# STATE BOARD OF PARDONS AND PAROLES



## NOTICE OF INTENT TO CONSIDER AMENDING AN AGENCY RULE

### Synopsis

The Board finds that its Rule 475-3-.05 regarding Parole Consideration, specifically paragraphs (8)(b-h), (9)(b-d, f, g), (10)(a), (12)(a), and (13)(a), need to be revised to change the crime severity level for the offenses of criminal street gang activity and arson I from level five to level eight and six, respectively, amend the weights of the risk factors for males and females, and add a factor with its respective weight for females.

The weights for risk factors applicable to males will be changed as follows: Current Prison Conviction Primary Offense: Property—the weight will be changed from 0.334 to 0.284; Current Prison Admission Type: Parole/Probation Revocation—the weight will be changed from 0.284 to 0.238; Number Felony Arrest Events before Current Prison Episode—the weight will be changed from 0.105 to 0.093; Number Misdemeanor Arrest Events before Current Prison Episode—the weight will be changed from 0.062 to 0.052; GDC Validated Gang Member—the weight will be changed from 0.308 to 0.548; Age at Current Prison Admission—the weight will be changed from -0.060 to -0.049; GDC Violent DR Charge During any Incarceration Period—the weight will be changed from 0.369 to 0.443.

The weights for risk factors applicable to females will be changed as follows: Current Prison Conviction Primary Offense: Property—the weight will be changed from 0.443 to 0.055; Current Prison Admission Type: Parole/Probation Revocation—the weight will be changed from 0.535 to 0.444; Number Felony Arrest Events before Current Prison Episode—the weight will be changed from 0.067 to 0.079; Age at Current Prison Admission—the weight will be changed from -0.042 to -0.051; GDC Violent DR Charge During any Incarceration Period—the weight will be changed from 0.471 to 0.398. The factor "Prior Arrest for a Felony Drug Offense" with its attendant weight of 0.585 will be added to the risk factors for females.

Therefore, in accordance with the Board's grant of authority pursuant to the Georgia Constitution, and in accordance with O.C.G.A. § 42-9-45 and O.C.G.A. § 50-13-4, notice is hereby given to the public of the Board's intent to amend paragraphs (8)(b-h), (9)(b-d, f, g), (10)(a), (12)(a), and (13)(a) of Rule 475-3-.05 pertaining to Parole Consideration.

### Proposal

Note: Lined-through text is proposed to be deleted and underlined text is proposed to be added.

Pursuant to the provision(s) of the Administrative Procedures Act, notice is hereby given to all interested persons that the State Board of Pardons and Paroles proposes to amend paragraphs (8)(b-h), (9)(b-d, f, g), (10)(a), (12)(a), and (13)(a) of Rule 475-3-.05 pertaining to Parole Consideration as follows:

#### **475-3-.05 Parole Consideration**

(8)(a) The Parole Board will use the following factors to compute a Risk to Re-Offend Score for each male inmate it considers for parole using its Parole Guidelines System.

(b) Current Prison Conviction Primary Offense: Property (weight: ~~0.334~~ 0.284): (no = 0), (yes = 1)

(c) Current Prison Admission Type: Parole/Probation Revocation (weight: ~~0.284~~ 0.238): (no = 0), (yes = 1)

(d) Number Felony Arrest Events before Current Prison Episode (weight: ~~0.105~~ 0.093): (# of prior arrests times weight = score)

(e) Number Misdemeanor Arrest Events before Current Prison Episode (weight: ~~0.062~~ 0.052): (# of prior arrests times weight = score)

(f) GDC Validated Gang Member (weight: ~~0.308~~ 0.548): (no = 0), (yes = 1)

(g) Age at Current Prison Admission (weight: ~~-0.060~~ -0.049): (age in years times weight = score)

(h) GDC Violent DR Charge During any Incarceration Period (weight: ~~0.369~~ 0.443): (no = 0), (yes = 1)

(9)(a) The Parole Board will use the following factors to compute a Risk to Re-Offend Score for each female inmate it considers for parole using its Parole Guidelines System.

(b) Current Prison Conviction Primary Offense: Property (weight: ~~0.443~~ 0.055): (no = 0), (yes = 1)

(c) Current Prison Admission Type: Parole/Probation Revocation (weight: ~~0.535~~ 0.444): (no = 0), (yes = 1)

(d) Number Felony Arrest Events before Current Prison Episode (weight: ~~0.067~~ 0.079): (# of prior arrests times weight = score)

(f) Age at Current Prison Admission (weight: ~~-0.042~~ -0.051): (age in years times weight = score)

(g) GDC Violent DR Charge During any Incarceration Period (weight: ~~0.471~~ 0.398): (no = 0), (yes = 1)

(h) Prior Arrest for a Felony Drug Offense (weight: 0.585): (no = 0), (yes = 1)

(10)(a) Offenders considered for parole using the Parole Decision Guidelines System who have been convicted of the following crimes shall be assigned a Crime Severity Level of VIII: attempted murder, murder in the second degree, voluntary manslaughter, involuntary manslaughter, statutory rape, attempted rape, homicide by vehicle while under the influence of alcohol/drugs or as a habitual traffic violator, feticide by vehicle, aggravated battery, aggravated battery on a police officer, aggravated assault, aggravated assault on a police officer, attempted aggravated child molestation, child molestation, attempted armed robbery, robbery, attempted kidnapping, attempted aggravated sexual battery, attempted aggravated sodomy, hijacking a motor vehicle, bus hijacking, enticing a child for an indecent purpose, cruelty to children, incest, aggravated stalking, burglary of an occupied dwelling, first and second degree home invasion, criminal street gang activity, trafficking in sexual/labor servitude of a victim under age 18 (coerced or deceived), trafficking in sexual/labor servitude of a developmentally disabled victim (any age), VGCSA - Cocaine or Methamphetamine -

400 or more grams, VGCSA - Marijuana - 10,000 or more pounds, or VGCSA - Opiates - 28 or more grams.

(12)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of VI: VGCSA - Cocaine or Methamphetamine - 200 to 399 grams, VGCSA - Marijuana - 2,000 to 9,999 pounds, or VGCSA - Opiates - 0 to 27 grams, violations of probation or parole based on an arrest or commission of a Level VIII offense with no conviction, arson I, burglary of an unoccupied or vacant dwelling, pimping or pandering a child age 16 or 17, or homicide by vehicle (not DUI/habitual violator).

(13)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of V: ~~arson I~~, possession of illegal weapon or explosives, ~~criminal street gang activity~~, VGCSA - Cocaine or Methamphetamine - 28 to 199 grams, VGCSA - Marijuana - 10 to 1,999 pounds, manufacturing Methamphetamine - 2nd offense or child injured, VGCSA - Opiates - four grams or less, or VGCSA - Methamphetamine Trafficking - less than 200 grams.

The State Board of Pardons and Paroles will receive views presented by interested parties and otherwise consider this amendment of its Agency Rules at its open meeting scheduled for 10:00 a.m. on Thursday, June 8, 2023, in the Board's Hearing Room, 5<sup>th</sup> floor, 2 Martin Luther King, Jr., Dr., Atlanta, Georgia. Written comments regarding this matter should be forwarded to the Board's Legal Office at 2 M.L.K. Jr. Dr., SE, Veterans Memorial Building, Ste. 430, West Tower, Atlanta, Georgia 30334. If you have any questions, please call the Board's Legal Office at 404.651.6671.

**Citation of Applicable Authority:** Ga.Const.1983 Art. 4, § 2, ¶ 2; O.C.G.A. § 42-9-1; and O.C.G.A. § 42-9-45.

This 2<sup>nd</sup> day of May, 2023.

A handwritten signature in black ink, appearing to read 'La'Quandra L. Smith', written in a cursive style.

La'Quandra L. Smith, Esq.  
Director of Legal Services  
Executive Secretary to the Board