

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 (10)(a) and (13)(a), are in need of revision to provide for one crime severity level for aggravated assault. Currently, this Rule provides that aggravated assault (no injury or weapon) is a crime severity level five. The Rule will be amended to change the crime severity level to eight. 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 (10)(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 (10)(a) and (13)(a) of Rule 475-3-.05 pertaining to Parole Consideration as follows:

475-3-.05 Parole Consideration

(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: voluntary manslaughter, statutory rape, homicide by vehicle while under the influence of alcohol/drugs or as a habitual traffic violator, aggravated battery on a police officer, aggravated assault on a police officer, attempted rape, involuntary manslaughter, hijacking a motor vehicle, criminal attempt to murder, aggravated assault (~~with injury or weapon~~), enticing a child for an indecent purpose, cruelty to children, child molestation, feticide by vehicle, incest, bus hijacking, robbery, aggravated stalking, aggravated battery, burglary of an occupied dwelling, trafficking in sexual/labor servitude victim under age 18 (coerced or deceived), trafficking in sexual/labor servitude victim developmentally disabled (any age), VGCSA – Cocaine or Methamphetamine –400 or more grams, VGCSA – Marijuana – 10,000 or more pounds, or VGCSA – Opiates– 28 or more grams.

(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: ~~aggravated assault (no injury or weapon)~~, 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 Tuesday, August 7, 2018, in the Board's Hearing Room, 5th 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., Atlanta, Georgia 30334. If you have any questions, you should 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 6th day of June, 2018.

La'Quandra L. Smith, Esq.
Executive Secretary to the Board