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## PENAL INSTITUTIONS Pardons and Paroles: Require Further Education as Condition of Parole; Require Alcohol and Drug Use Risk Reduction Program as Condition of Parole

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## PENAL INSTITUTIONS

### *Pardons and Paroles: Require Further Education as Condition of Parole; Require Alcohol and Drug Use Risk Reduction Program as Condition of Parole*

CODE SECTIONS: O.C.G.A. §§ 42-5-20 (new), 42-9-44, -45 (amended)  
BILL NUMBER: HB 229  
ACT NUMBER: 329  
GEORGIA LAWS: 1995 Ga. Laws 625  
SUMMARY: The Act mandates further education as a condition of parole for those inmates who do not have a high school diploma or a general educational development equivalency diploma (GED). This requirement may be fulfilled by obtaining a GED or by attending a trade or business school. The Act also requires inmates whose criminal offense or history suggests an alcohol or drug problem to participate in an Alcohol or Drug Use Risk Reduction Program before becoming eligible for parole.  
EFFECTIVE DATE: July 1, 1995

#### *History*

The people of Georgia are frustrated by a perceived increase in crime over the past several years.<sup>1</sup> They do not want criminals released from prison without some form of rehabilitation.<sup>2</sup> Because prison inmates often have a very low level of education, it may be difficult for them to find work upon release from prison.<sup>3</sup> HB 229 was introduced as part of an effort to increase

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1. Telephone Interview with Rep. Tracy Stallings, House District No. 100 (Apr. 5, 1995) [hereinafter Stallings Interview].

2. *Id.*

3. Telephone Interview with Rep. John Simpson, House District No. 101 (Apr. 5, 1995) [hereinafter Simpson Interview].

adult literacy in Georgia and to rehabilitate inmates and parolees.<sup>4</sup>

### *HB 229*

#### *Education*

The Act requires a minimum level of education as a condition of parole.<sup>5</sup> It amends Code section 42-9-44 to add an education requirement.<sup>6</sup> The Act requires parolees who do not have a high school diploma or GED to obtain a GED or to pursue a trade or business at a vocational school.<sup>7</sup> The Act provides an exception for parolees who have a skill that can provide a regular income.<sup>8</sup>

The original version of HB 229 provided that parolees incapable of attaining a GED must at least attempt to improve their education by three grade levels.<sup>9</sup> This language was ultimately changed to provide that any parolee who could not attain a GED need only make an attempt to improve the parolee's basic educational skills.<sup>10</sup> This change allows for greater flexibility in the administration of the program.<sup>11</sup>

#### *Alcohol or Drug Use Risk Reduction Program*

In addition, the Act creates Code section 42-5-20,<sup>12</sup> which provides for an Alcohol or Drug Use Risk Reduction Program.<sup>13</sup>

4. *Id.*

5. *Id.*

6. *See* 1943 Ga. Laws 185, § 15, at 191 (formerly found at O.C.G.A. § 42-9-44 (1994)).

7. O.C.G.A. § 42-9-44(b) (Supp. 1995).

8. *Id.*

9. HB 229, as introduced, 1995 Ga. Gen. Assem.

10. *Compare id. with* O.C.G.A. § 42-9-44(b) (Supp. 1995).

11. Stallings Interview, *supra* note 1.

12. O.C.G.A. § 42-5-20 (Supp. 1995). This new section was proposed by Sen. Charles C. "Chuck" Clay of the 37th District. HB 229 (SFA), 1995 Ga. Gen. Assem.

13. O.C.G.A. § 42-5-20 (Supp. 1995). The Alcohol or Drug Use Risk Reduction Program originated in SB 154, a bill sponsored by Senator Charles Clay that did not pass. Telephone Interview with Sen. Charles C. "Chuck" Clay, Senate District No. 37 (Apr. 17, 1995). At the pre-session Appropriations Committee Hearings, Sen. Clay heard that similar programs in other states resulted in a one- to five-percent drop in the recidivism rate. *Id.* Sen. Clay stated that making the program available before parole could increase its effectiveness. *Id.*

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This program is available to all inmates who have a history of alcohol or drug abuse, or whose crimes involved alcohol or drugs.<sup>14</sup> The Act also amends Code section 42-9-45 to apply the Alcohol or Drug Use Risk Reduction Program to parolees, making the program a mandatory condition of parole for inmates with a history of alcohol or drug abuse, or whose crimes involved alcohol or drugs.<sup>15</sup>

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14. O.C.G.A. § 42-5-20 (Supp. 1995). Code section 42-5-20 does not apply to inmates who are declared mentally incompetent or who have been sentenced to death. *Id.*

15. *Id.* § 42-9-45.