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PENAL INSTITUTIONS

Jails: Prohibit Delivering Drugs, Alcohol, or Weapons to Inmates

CODE SECTION: O.C.G.A. § 42-4-13 (amended)
BILL NUMBER: HB 29
ACT NUMBER: 410
SUMMARY: HB 29 makes it a felony to enter a jail and provide an inmate with an alcoholic beverage, controlled substance, dangerous drug, marijuana, gun, pistol, or dangerous weapon without prior consent of the sheriff, a sheriff's representative, or a detention facility administrator or its representative.
EFFECTIVE DATE: July 1, 1993

History

Prior to the passage of HB 29, bringing drugs, alcohol, or weapons to an inmate was a misdemeanor.¹ Jails in rural towns as well as in large cities began having significant problems with prisoners gaining access to these items.² This bill gives law enforcement officials greater ability to prevent and deter the delivery of such goods into jails or detention facilities by making such conduct a felony.³

HB 29

The Act amends Georgia Code section 42-4-13 by adding subsection (d).⁴ The Act makes it unlawful for someone to enter the guard lines of a jail and deliver or have delivered any alcoholic beverage, controlled substance, dangerous drug, an ounce or less of marijuana, a gun, pistol, or other dangerous weapon.⁵ Such items can only be brought onto the jail premises with the consent of the sheriff, the sheriff's designated representative, a detention facility administrator, or designee.⁶

The bill originally required only the consent of the sheriff or a sheriff's representative;⁷ however, it was later revised to include the

1. Telephone Interview with Rep. Bobby Eugene Parham, House District No. 122 (Apr. 13, 1993) [hereinafter Parham Interview].

2. *Id.*

3. *Id.*

4. O.C.G.A. § 42-4-13(d) (Supp. 1993).

5. *Id.*

6. *Id.*

7. HB 29, as introduced, 1993 Ga. Gen. Assem.

consent of a detention facility administrator or his designee.⁸ This was added so that cities that have detention centers or jails not run by a sheriff but rather by an administrator would be included under the Act.⁹

Additionally, the Act as passed also amended the bill to exempt clergyman or priests who use alcohol in sacramental services.¹⁰ This was done at the request of the Catholic Diocese who did not want to violate the law while conducting religious ceremonies.¹¹

Under the Act, violation of this Code section is a felony punishable by incarceration for no less than one year and no more than five years.¹² Finally, although the Act indicates delivery of less than one ounce of marijuana is punishable under this section, the Act makes it clear that despite this provision, possession or distribution of marijuana or a controlled substance in an amount greater than one ounce will be punished under chapter 13 of title 16.¹³

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8. HB 29 (HCS), 1993 Ga. Gen. Assem.

9. Telephone Interview with Lieutenant John Prince, City of Atlanta Police Department (Apr. 16, 1993).

10. O.C.G.A. § 42-4-13(d) (Supp. 1993).

11. Parham Interview, *supra* note 1.

12. O.C.G.A. § 42-4-13(d)(2) (Supp. 1993).

13. *Id.* § 42-4-13(d)(3) (Supp. 1993).