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CRIMES AND OFFENSES Offenses Against Public Administration: Increase the Possible Sentences for Prison Escape

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CRIMES AND OFFENSES

Offenses Against Public Administration: Increase the Possible Sentences for Prison Escape

CODE SECTION: O.C.G.A. § 16-10-52 (amended)
BILL NUMBER: HB 1403
ACT NUMBER: 1052
SUMMARY: The Act doubles the possible sentence for the offense of escape by a person convicted of a felony or misdemeanor, while leaving in place judges' discretion in sentencing.
EFFECTIVE DATE: July 1, 1994

History

Code section 16-10-52 describes the punishment for the offense of escape from state facilities.¹ Previously, the penalty for escape for an escapee who had been convicted of a felony or misdemeanor was not less than one year and not more than five years.² Any other person convicted of escape would have been sentenced for a misdemeanor, unless the escapee committed the escape while armed with a deadly weapon.³ In that case the punishment was confinement for not less than one nor more than ten years.⁴

There are approximately ninety escapes per year in Georgia, and they can be very costly.⁵ For example, the 1993 escape of a convicted felon from the Hayes Correctional Facility in Summerville required the use of dogs, dozens of state vehicles, and additional guards.⁶ Approximately 450 state employees were put on alert, costing thousands of dollars in state resources.⁷ In response to this escape, and other escapes by dangerous criminals, the Department of Corrections sought stronger penalties to discourage escape.⁸

1. 1989 Ga. Laws 329, § 1 (formerly found at O.C.G.A. § 16-10-52 (Supp. 1993)).

2. *Id.*

3. *Id.*

4. *Id.*

5. Telephone Interview with Rep. Tim Perry, House District No. 11 (Mar. 26, 1994) [hereinafter Perry Interview]. Rep. Perry was the main sponsor of HB 1403. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

HB 1403

The Act amends Code section 16-10-52 by doubling the possible sentences for a convicted escapee.⁹ The bill, as introduced in the House, provided for a mandatory term of ten years for a person who escaped while serving a sentence for a felony or misdemeanor.¹⁰ Any other escapee would be punished for a misdemeanor.¹¹

The House Committee on State Institutions and Property amended the Bill by striking the mandatory ten-year sentence and increasing the sentence that could be given at the reviewing judge's discretion.¹² Under this amendment, a person serving time for a felony or misdemeanor would receive a sentence of "not less than one nor more than ten years."¹³ This amendment responded to concerns expressed by members of the Committee who felt a mandatory ten-year sentence was too harsh.¹⁴ The Committee amendment leaves sentencing to the judge's discretion by eliminating the suggested mandatory sentence.¹⁵

The Committee further amended the bill by adding a provision that a person who escapes while armed with a dangerous weapon shall be sentenced to imprisonment for "not less than one nor more than twenty years."¹⁶ The intent of this provision was to afford judicial discretion in sentencing while providing a strong incentive to escapees not to use dangerous weapons in their escape attempts.¹⁷ This version of the bill as amended was passed by the House and Senate.¹⁸

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9. O.C.G.A. § 16-10-52(b) (Supp. 1994).
 10. HB 1403, as introduced, 1994 Ga. Gen. Assem.
 11. *Id.*
 12. HB 1403 (HCA), 1994 Ga. Gen. Assem.
 13. *Id.*
 14. Perry Interview, *supra* note 5.
 15. See HB 1403 (HCA), 1994 Ga. Gen. Assem.
 16. *Id.*
 17. Perry Interview, *supra* note 5.
 18. See O.C.G.A. § 16-10-52 (Supp. 1994).