

Council of Municipal Court Judges



Chief Judge Willie Weaver Sr. President
City of Albany
P.O. Box 646
Albany, Georgia 31702
678-482-0208
wweaverlaw@aol.com

June 25, 2020

Chief Judge Lori Duff. President-Elect
City of Loganville
duff@jonesandduff.com

Representative Chuck Efstration
Chairman, House Judiciary Non-Civil Committee
131 State Capitol
Atlanta, GA 30334

Judge JaDawnya Baker. Vice President
City of Atlanta
JCBaker@AtlantaGa.Gov

Re: SB 402 (LC 41 2315)

Judge Nathan Wade. Secretary
City of Marietta
nathanwade@lawyer.com

Dear Chairman Efstration,

Judge David Will. Treasurer
City of Clarkston
dwill@msn.com

On behalf of the Council of Municipal Court Judges, I am responding to concerns regarding Senate Bill 402 which, in certain respects, seems to be an industry driven bill that seeks to undo portions of the much needed bail reform bill that was passed last year.

Judge Dale "Bubba" Samuels
Immediate Past President
City of Franklin Springs
bubba@bubbasamuels.com

The Council of Municipal Court Judges worked hard to help pass the initial bail reform bill and was proud of its efforts to ensure that Georgia Law conformed with the latest research and public policy regarding cash bonds. Indeed, Georgia is now nationally respected and on the cutting edge of justice reform. We are concerned about any efforts that will undo any of that hard work.

District One
Judge Chris Middleton
Judge Billy Tomlinson

SB 402 speaks of "an elected judge or judge sitting by designation" in lines 54-55. Since **most Municipal Court Judges are appointed**, they may not be able to take advantage of those provisions of the bill. Furthermore, the legislation **creates new language not found elsewhere in the code**: an "unsecured judicial release." While this is likely an attempt to rename a recognizance bond, using this language not found elsewhere in the code could potentially lead to **a number of problems**. Assuming municipal court judges are even allowed to take advantage of the unsecured judicial releases, we might not be able to tack on additional bond conditions, such as no-contact provisions, or release into treatment facilities, or the like. **An unsecured judicial release is not a bond, and therefore could not be revoked like a bond.** The unforeseen consequences of using new language like this could be catastrophic.

District Two
Judge Vernita Bender
Judge Gregory T. Williams

District Three
Judge Chimere Trimble
Judge Bill NeSmith

District Four
Judge Michael Nation
Judge Davis Will

District Five
Judge Gary E. Jackson
Judge Parag Shah

District Six
Judge J. Kristi Lovelace
Judge Clayton Davis

District Seven
Judge Robert Cowan
Judge Nathan Wade

District Eight
Judge Joseph Sumner
Judge Dexter Wimbish

District Nine
Judge Pamela Boles
Judge William Brogdon

District Ten
Judge Graham McKinnon
Judge Ryan S. Hope

One unintended consequence of the pandemic is that it has given us a 'test case' across the board of what would happen if we suddenly reduced arrests for low level offenses. The end result was interesting: there was no noticeable or measurable uptick in crime of any kind attributable to the failure to incarcerate these individuals.

Furthermore, the pandemic has created an environment in which we need to be extra-cautious about the situations in which we place individuals in a closed-in environment, in close proximity, to other individuals against their wills. Many coronavirus outbreaks

The Council of Municipal Court Judges

have occurred in jails and prisons, and the virus attacks people who are awaiting trial for minor offenses – and thus presumed innocent – as often as it does convicted felons. The middle of a pandemic seems to be an injudicious time to introduce or pass legislation which would have any effect of increasing the jail population in the state.

It is our hope that you take these concerns under consideration should SB 402 be put on the House Rules Calendar for a floor vote. Thank you for your consideration and please feel free contact me if I may be of additional assistance.

Kindest Regards,

Willie Weaver, Sr.

Chief Judge Willie C. Weaver, Sr., President
Council of Municipal Court Judges

CC: Representative Bert Reeves, Vice Chairman, House Judiciary Non-Civil Committee
Members, House Judiciary Non-Civil Committee

Suite 300, 244 Washington St., S.W. Atlanta, GA 30334-5900
(404) 656-5171 \$ Fax (404) 651-6449