

Senate Bill 134

By: Senators Kemp of the 46th, Harbison of the 15th, Fort of the 39th, Zamarripa of the 36th and Stephens of the 27th

AS PASSED

AN ACT

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change provisions relating to disposition of a delinquent child; to provide for certain circumstances under which a child may be ordered to serve time in a youth development center; to change the length of commitment to a youth development center; to provide that the Department of Juvenile Justice or juvenile courts establish certain community based alternative programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking subsection (b) of Code Section 15-11-66, relating to disposition of a delinquent child, and inserting in lieu thereof the following:

"(b)(1) At the conclusion of the dispositional hearing provided in subsection (a) of Code Section 15-11-65, if the child is found to have committed a delinquent act, the court may, in addition to any other treatment or rehabilitation, suspend the driver's license of such child for any period not to exceed the date on which the child becomes 18 years of age or, in the case of a child who does not have a driver's license, prohibit the issuance of a driver's license to such child for any period not to exceed the date on which the child becomes 18 years of age. The court shall retain the driver's license for a period of suspension and return it to the offender at the end of such period. The court shall notify the Department of Motor Vehicle Safety of any such actions taken pursuant to this subsection. If the child is adjudicated for the commission of a delinquent act, the court may in its discretion in those cases involving: (A) a violation of probation involving another adjudicated delinquent act and upon the court making a finding of fact that the child has failed to respond to the graduated alternative sanctions set forth in paragraph (2) of this subsection; (B) an offense that would be a felony if committed by an adult; or (C) an offense that would be a misdemeanor of a high and aggravated nature if committed by an adult and involving bodily injury or harm or substantial likelihood of bodily injury

or harm, in addition to any other treatment or rehabilitation, order the child to serve up to a maximum of 60 days in a youth development center, or after assessment and with the court's approval, in a treatment program provided by the Department of Juvenile Justice or the juvenile court. A child ordered to a youth development center under this subsection and detained in a secured facility pending placement in the youth development center shall be given credit for time served in the secured facility awaiting placement.

(2) The Department of Juvenile Justice, in conjunction with the Council of Juvenile Court Judges of Georgia, shall establish and monitor a graduated alternative sanctions program for children on probation. The graduated alternative sanctions program shall be implemented in each judicial circuit in consultation with the judge of the juvenile court. The graduated alternative sanctions program may include, but shall not be limited to, community service, electronic monitoring, increased reporting or intensive supervision, home confinement, day or evening reporting centers, or treatment intervention."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.