

The House Committee on Judiciary offered the following substitute to HB 642:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to juvenile proceedings, so as to provide for the regulation of discovery and  
3 inspection in juvenile cases; to provide for conditions, limitations, and procedures with  
4 respect thereto; to provide for definitions; to provide for applicability; to provide for  
5 disclosure of evidence by the court; to provide for exceptions; to provide for continuing  
6 duties to disclose; to provide for production of statements of witnesses; to provide for court  
7 orders with respect to failure to comply; to provide for lists of witnesses; to provide for other  
8 matters relative to the foregoing; to provide for an effective date and applicability; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

11 Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
12 juvenile proceedings, is amended by adding a new Part 4.1 following Part 4 to read as  
13 follows:  
14

"Part 4.1

15  
16 15-11-43.

17 (a) As used in this part, the term 'respondent' means any child, or his or her attorney,  
18 parent or guardian.

19 (b) Upon timely written request of the respondent, the court shall issue an order or  
20 standing order directing the appropriate personnel having custody or control of the court  
21 case file to provide at a minimum the following information, if available, for proceedings  
22 involving a delinquent act as defined in Code Section 15-11-2:

23 (1) Copy of complaint;

24 (2) Copy of petition;

- 1 (3) Copy of police incident report and supplemental report;  
 2 (4) List of witnesses, including any witness statements; and  
 3 (5) Copy of any statement made by respondent.

4 Nothing contained herein shall prohibit the court from ordering the disclosure of any  
 5 additional information which the court deems necessary and appropriate for proper  
 6 adjudication. The appropriate personnel having custody or control of the court case file  
 7 shall promptly comply with this Code section but not later than 48 hours prior to the  
 8 adjudicatory hearing.

9 (c) If subsequent to compliance with paragraph (4) of subsection (b) of this Code section,  
 10 relating to list of witnesses, the appropriate court personnel or prosecutor discovers  
 11 additional witnesses subject to disclosure under this part, the information shall be promptly  
 12 made available to the respondent.

13 (d)(1) Upon a sufficient showing by the prosecutor that disclosure of the information  
 14 would create a substantial threat of physical or economic harm to a witness or other  
 15 person, or that the complaint relates to an ongoing investigation or prosecution involving  
 16 adults, the judge shall order that the information not be provided, or that the disclosure  
 17 be restricted, deferred or make such other appropriate order.

18 (2) Any material or information furnished to the respondent pursuant to this part shall  
 19 remain in the exclusive custody of the respondent and shall only be used during the  
 20 pendency of the case and shall be subject to such other terms and conditions as the court  
 21 may provide."

## 22 SECTION 2.

23 This Act shall become effective on July 1, 2001, and shall apply to all cases in which a  
 24 petition is filed on or after that date.

## 25 SECTION 3.

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