

House Bill 642 (FLOOR SUBSTITUTE) (AM)

By: Representatives Stuckey of the 67th, Boggs of the 168th, Stokes of the 92nd, Richardson of the 26th, Walker of the 141st and others

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:

11 **SECTION 1.**

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

15 "Part 4.1

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 to the court by the respondent in a proceeding involving
20 a delinquent act as defined in Code Section 15-11-2, the court shall issue an order, which
21 may be addressed by the issuance of a standing order, directing the appropriate court
22 personnel having custody or control of the court case file to produce to the respondent, with
23 a copy to the state the following information, if available:

- (1) Copy of the complaint;
 - (2) Copy of the petition;
 - (3) Copy of the police incident report and supplemental report, if any, regarding the alleged delinquent act;
 - (4) A list of the names, addresses, and telephone numbers, to the extent known, of all witnesses and any statements of such witnesses; and
 - (5) A copy of any statement made by the respondent.

Nothing contained herein shall prohibit the court from ordering the disclosure of any additional information which the court deems necessary and appropriate for proper adjudication.

(c) The appropriate court personnel shall promptly comply with an order under this Code section, but, except where later compliance is made necessary by the timing of the respondent's request, in no event shall the court personnel comply later than 48 hours prior to the adjudicatory hearing. If the respondent's request is made fewer than 48 hours before the adjudicatory hearing, then the appropriate court personnel shall produce the required information in a timely manner. If subsequent to the appropriate court personnel's compliance with an order pursuant to this Code section, either the prosecutor or appropriate court personnel discovers the existence of an additional witness subject to production under this Code section, the name, address, and telephone number of the witness shall be promptly produced to the respondent.

(d)(1) Upon a sufficient showing by the prosecutor that disclosure of the information would create a substantial threat of physical or economic harm to a witness or other person, or reasonably could hinder or harm any ongoing investigation or prosecution involving an adult, the court may make any order which justice requires to protect a party or person, including one or more of the following:

- (A) That production not be made;
 - (B) That the production may be had only on specified terms and conditions, including a designation of the time and place; and
 - (C) That the scope of the production be limited to certain matters.

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

SECTION 2.

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

SECTION 3.

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