

House Bill 181

By: Representative Squires of the 78<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-11-30.2 of the Official Code of Georgia Annotated, relating to  
2 transfer from the juvenile court to another court for prosecution, so as to change the standards  
3 for determining whether to transfer a child for prosecution in another court; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 15-11-30.2 of the Official Code of Georgia Annotated, relating to transfer from  
8 the juvenile court to another court for prosecution, is amended by striking subsection (a) in  
9 its entirety and inserting in lieu thereof the following:

10 "(a) After a petition has been filed alleging delinquency based on conduct which is  
11 designated a crime or public offense under the laws, including local ordinances, the court  
12 before hearing the petition on its merits may transfer the offense for prosecution to the  
13 appropriate court having jurisdiction of the offense if:

14 (1) A hearing on whether the transfer should be made is held in conformity with Code  
15 Sections 15-11-6, 15-11-7, and 15-11-41;

16 (2) Notice in writing of the time, place, and purpose of the hearing is given to the child  
17 and his or her parents, guardian, or other custodian at least three days before the hearing;

18 (3) The court in its discretion determines there are reasonable grounds to believe that:

19 (A) The child committed the delinquent act alleged;

20 (B) The child is not committable to an institution for the mentally retarded or mentally  
21 ill; and

22 (C) The interests of the child and the safety of the community require that the child be  
23 placed under legal restraint and the transfer be made; and

24 (4) The child:

25 (A) Was at least 15 years of age at the time of the alleged delinquent conduct; or

1 (B) Was 13 or 14 years of age and either committed an act for which the punishment  
2 is loss of life or confinement for life in a penal institution or committed aggravated  
3 battery resulting in serious bodily injury to a victim."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.