

Senate Bill 48

By: Senators Clay of the 37th, Hamrick of the 30th and Tanksley of the 32nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 8 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia  
2 Annotated, relating to access to juvenile records and hearings, so as to provide that the  
3 disposition and evidence of juvenile proceedings may be used by a defendant in a civil action  
4 brought by the juvenile based upon the factual circumstances surrounding said proceeding;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 8 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
9 relating to access to juvenile records and hearings, is amended by striking in its entirety Code  
10 Section 15-11-79.1, relating to the use of disposition and evidence, and inserting in lieu  
11 thereof the following:

12 "15-11-79.1.

13 (a) The disposition of a child and evidence adduced in a hearing in the juvenile court may  
14 not be used against such child in any proceeding in any court other than for a proceeding  
15 for delinquency or unruliness, whether before or after reaching majority, except in the  
16 establishment of conditions of bail, plea negotiations, and sentencing in felony offenses;  
17 and, in such excepted cases, such records of dispositions and evidence shall be available  
18 to district attorneys and superior court judges and the accused and may be used in the same  
19 manner as adult records.

20 (b) The disposition of a child and evidence adduced in a hearing in the juvenile court may  
21 be used against such child by the defendant in a civil action brought by said child based  
22 upon the factual circumstances surrounding such proceeding."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.