

House Bill 1490

By: Representatives Thomas Morgan of the 33<sup>rd</sup>, Post 2, Stokes of the 72<sup>nd</sup>, Oliver of the 56<sup>th</sup>,  
Post 2, Bruce of the 45<sup>th</sup>, and Sinkfield of the 50<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 5-7-1 of the Official Code of Georgia Annotated, relating to orders,  
2 decisions, or judgments that are appealable, so as to delete a provision for orders transferring  
3 cases from a superior court to a juvenile court; to amend Chapter 11 of Title 15 of the  
4 Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide that  
5 the juvenile court has original concurrent jurisdiction over certain acts committed by children  
6 under 17 years of age; to change provisions relating to transfers to other courts for  
7 prosecution; to change provisions relating to transfer of designated felony offenses for  
8 prosecution; to change provisions relating to transfer of criminal or quasi-criminal  
9 proceedings in juvenile court; to change provisions relating to the procedure on taking a child  
10 into custody and detention; to change provisions relating to place of detention; to change  
11 provisions relating to commitment of a child 13 to 17 years of age to the custody of the  
12 Department of Corrections; to change provisions relating to designated felony acts; to change  
13 provisions relating to juvenile law enforcement records; to amend Chapter 10 of Title 17 of  
14 the Official Code of Georgia Annotated, relating to sentence and punishment, so as to change  
15 certain provisions relating to the committal of a person under the age of 17 convicted of a  
16 felony; to provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Code Section 5-7-1 of the Official Code of Georgia Annotated, relating to orders, decisions,  
20 or judgments that are appealable, is amended by striking subsection (a) and inserting in lieu  
21 thereof a new subsection (a) to read as follows:

22 "(a) An appeal may be taken by and on behalf of the State of Georgia from the superior  
23 courts, state courts, City Court of Atlanta, and juvenile courts and such other courts from  
24 which a direct appeal is authorized to the Court of Appeals of Georgia and the Supreme  
25 Court of Georgia in criminal cases and adjudication of delinquency cases in the following  
26 instances:

1 (1) From an order, decision, or judgment setting aside or dismissing any indictment,  
 2 accusation, or petition alleging that a child has committed a delinquent act or any count  
 3 thereof;

4 (2) From an order, decision, or judgment arresting judgment of conviction or  
 5 adjudication of delinquency upon legal grounds;

6 (3) From an order, decision, or judgment sustaining a plea or motion in bar, when the  
 7 defendant has not been put in jeopardy;

8 (4) From an order, decision, or judgment suppressing or excluding evidence illegally  
 9 seized or excluding the results of any test for alcohol or drugs in the case of motions  
 10 made and ruled upon prior to the impaneling of a jury or the defendant being put in  
 11 jeopardy, whichever occurs first;

12 (5) From an order, decision, or judgment of a court where the court does not have  
 13 jurisdiction or the order is otherwise void under the Constitution or laws of this state; or

14 ~~(6) From an order, decision, or judgment of a superior court transferring a case to the~~  
 15 ~~juvenile court pursuant to subparagraph (b)(2)(B) of Code Section 15-11-28; or~~

16 ~~(7)~~(6) From an order, decision, or judgment of a superior court granting an extraordinary  
 17 motion for new trial."

## 18 SECTION 2.

19 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile  
 20 proceedings, is amended by striking subsection (b) of Code Section 15-11-28, relating to  
 21 jurisdiction of the juvenile court, and inserting in lieu thereof a new subsection (b) to read  
 22 as follows:

23 "*(b) Criminal jurisdiction.*

24 ~~(1) Except as provided in paragraph (2) of this subsection, the~~ The court shall have  
 25 concurrent jurisdiction with the superior court over a child who is alleged to have  
 26 committed a delinquent act which would be considered a ~~crime~~ serious violent felony as  
 27 defined in Code Section 17-10-6.1 if tried in a superior court ~~and for which the child may~~  
 28 ~~be punished by loss of life, imprisonment for life without possibility of parole, or~~  
 29 ~~confinement for life in a penal institution;~~ provided, however, that the juvenile court  
 30 shall have original jurisdiction and shall not be divested of jurisdiction unless a proper  
 31 transfer hearing in accordance with Code Section 15-11-30.2 has been held.

32 ~~(2)(A) The superior court shall have exclusive jurisdiction over the trial of any child~~  
 33 ~~13 to 17 years of age who is alleged to have committed any of the following offenses:~~

34 ~~(i) Murder;~~

35 ~~(ii) Voluntary manslaughter;~~

36 ~~(iii) Rape;~~

- 1       ~~(iv) Aggravated sodomy;~~  
2       ~~(v) Aggravated child molestation;~~  
3       ~~(vi) Aggravated sexual battery; or~~  
4       ~~(vii) Armed robbery if committed with a firearm.~~

5       ~~(A.1) The granting of bail or pretrial release of a child charged with an offense~~  
6       ~~enumerated in subparagraph (A) of this paragraph shall be governed by the provisions~~  
7       ~~of Code Section 17-6-1.~~

8       ~~(B) After indictment, the superior court may after investigation and for extraordinary~~  
9       ~~cause transfer any case involving a child 13 to 17 years of age alleged to have~~  
10       ~~committed any offense enumerated in subparagraph (A) of this paragraph which is not~~  
11       ~~punishable by loss of life, imprisonment for life without possibility of parole, or~~  
12       ~~confinement for life in a penal institution. Any such transfer shall be appealable by the~~  
13       ~~State of Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior~~  
14       ~~court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court~~  
15       ~~shall terminate. Any case transferred by the superior court to the juvenile court pursuant~~  
16       ~~to this subparagraph shall be subject to the designated felony provisions of Code~~  
17       ~~Section 15-11-63 and the transfer of the case from superior court to juvenile court shall~~  
18       ~~constitute notice to the child that such case is subject to the designated felony~~  
19       ~~provisions of Code Section 15-11-63.~~

20       ~~(C) Before indictment, the district attorney may, after investigation and for~~  
21       ~~extraordinary cause, decline prosecution in the superior court of a child 13 to 17 years~~  
22       ~~of age alleged to have committed an offense specified in subparagraph (A) of this~~  
23       ~~paragraph. Upon declining such prosecution in the superior court, the district attorney~~  
24       ~~shall immediately cause a petition to be filed in the appropriate juvenile court for~~  
25       ~~adjudication. Any case transferred by the district attorney to the juvenile court pursuant~~  
26       ~~to this subparagraph shall be subject to the designated felony provisions of Code~~  
27       ~~Section 15-11-63 and the transfer of the case from superior court to juvenile court shall~~  
28       ~~constitute notice to the child that such case is subject to the designated felony~~  
29       ~~provisions of Code Section 15-11-63.~~

30       ~~(D) The superior court may transfer any case involving a child 13 to 17 years of age~~  
31       ~~alleged to have committed any offense enumerated in subparagraph (A) of this~~  
32       ~~paragraph and convicted of a lesser included offense not included in subparagraph (A)~~  
33       ~~of this paragraph to the juvenile court of the county of the child's residence for~~  
34       ~~disposition. Upon such a transfer by the superior court, jurisdiction shall vest in the~~  
35       ~~juvenile court and jurisdiction of the superior court shall terminate.~~

36       ~~(E) Within 30 days of any proceeding in which a child 13 to 17 years of age is~~  
37       ~~convicted of certain offenses over which the superior court has exclusive jurisdiction~~

1 ~~as provided in subparagraph (A) of this paragraph or adjudicated delinquent on the~~  
 2 ~~basis of conduct which if committed by an adult would constitute such offenses, the~~  
 3 ~~superior court shall provide written notice to the school superintendent or his or her~~  
 4 ~~designee of the school in which such child is enrolled or, if the information is known,~~  
 5 ~~of the school in which such child plans to be enrolled at a future date. Such notice shall~~  
 6 ~~include the specific criminal offense that such child committed. A local school system~~  
 7 ~~to which the child is assigned may request further information from the court's file."~~

### 8 SECTION 3.

9 Said chapter is further amended by striking Code Section 15-11-30.2, relating to transfers to  
 10 other courts for prosecution, and inserting in lieu thereof a new Code Section 15-11-30.2 to  
 11 read as follows:

12 "15-11-30.2.

13 (a) After a petition has been filed alleging delinquency based on conduct which is  
 14 ~~designated a crime or public offense under the laws, including local ordinances~~ would  
 15 constitute a serious violent felony as defined in Code Section 17-10-6.1 if tried in a  
 16 superior court, the court before hearing the petition on its merits may transfer the offense  
 17 for prosecution to the appropriate court having jurisdiction of the offense if:

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

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

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

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

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

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

28 (4) The child:

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

30 (B) Was 13 or 14 years of age and either committed an act for which the punishment  
 31 is loss of life or confinement for life in a penal institution ~~or committed aggravated~~  
 32 ~~battery resulting in serious bodily injury to a victim~~ without possibility of parole.

33 ~~(b) After a petition has been filed alleging delinquency based on conduct which is~~  
 34 ~~designated a crime or public offense under the laws, including local ordinances, the court~~  
 35 ~~before hearing the petition on its merits shall transfer the offense for prosecution to the~~  
 36 ~~appropriate court having jurisdiction of the offense if:~~

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

3 ~~(2) Notice in writing of the time, place, and purpose of the hearing is given to the child~~  
 4 ~~and the child's parents, guardian, or other custodian at least three days before the hearing;~~

5 ~~(3) The court in its discretion determines there are reasonable grounds to believe that the~~  
 6 ~~child while confined to a youth development center committed the offense of murder,~~  
 7 ~~voluntary manslaughter, aggravated assault, or aggravated battery as defined in Chapter~~  
 8 ~~5 of Title 16; and~~

9 ~~(4) The child was at least 14 years of age at the time of the alleged conduct described in~~  
 10 ~~paragraph (3) of this subsection.~~

11 ~~(e)(b)~~ The transfer terminates the jurisdiction of the juvenile court over the child with  
 12 respect to an adjudication of delinquency as to the delinquent acts alleged in the petition.

13 ~~(d)(c)~~ No child, either before or after reaching 17 years of age, shall be prosecuted for an  
 14 offense previously committed unless the case has been transferred as provided in this Code  
 15 section.

16 ~~(e)(d)~~ Statements made by the child at any hearing under this article are not admissible  
 17 against the child over objection in the criminal proceedings following the transfer.

18 ~~(f) This Code section shall not apply to any proceeding within the exclusive jurisdiction~~  
 19 ~~of the superior court pursuant to subparagraph (b)(2)(A) of Code Section 15-11-28."~~

#### 20 SECTION 4.

21 Said chapter is further amended by striking Code Section 15-11-30.3, relating to transfer of  
 22 designated felony offenses for prosecution, and inserting in lieu thereof a new Code Section  
 23 15-11-30.3 to read as follows:

24 "15-11-30.3.

25 ~~(a) After a petition has been filed alleging that a child 15 years of age or older has~~  
 26 ~~committed a designated felony act, the court shall follow the procedure specified in this~~  
 27 ~~Code section if the designated felony act alleged to have been committed would have~~  
 28 ~~constituted the crime of burglary if done by an adult and the child has been found at~~  
 29 ~~separate court appearances to have committed acts which would have constituted the crime~~  
 30 ~~of burglary if done by an adult on three or more previous occasions.~~

31 ~~(b) If this Code section applies, the court shall hold a hearing in conformity with Code~~  
 32 ~~Sections 15-11-6, 15-11-7, and 15-11-41. Notice shall be given in writing of the time,~~  
 33 ~~place, and purpose of the hearing to the child and the child's parents, guardian, or other~~  
 34 ~~custodian at least three days before the hearing.~~

35 ~~(c) If at the hearing the court determines that there are reasonable grounds to believe that~~  
 36 ~~the child committed the designated felony act alleged, the court shall transfer the offense~~

1 ~~to superior court for prosecution. The transfer terminates the jurisdiction of the juvenile~~  
 2 ~~court over the child with respect to the designated felony act alleged. The transfer order~~  
 3 ~~shall constitute a determination by a court of inquiry that there is probable cause to commit~~  
 4 ~~the child as a defendant to the criminal court competent to try the child. After such a~~  
 5 ~~transfer, until and unless a judgment of guilt is entered and sentence pronounced, the child~~  
 6 ~~shall be detained only as provided in subsection (a) of Code Section 15-11-48.~~

7 ~~(d) Upon the transfer of any matter to superior court under this Code section, the district~~  
 8 ~~attorney shall after investigation report to the judge whether the matter should be~~  
 9 ~~retransferred to juvenile court; and the superior court may upon such a report or on its own~~  
 10 ~~motion order the matter retransferred to juvenile court. After such a retransfer, the~~  
 11 ~~provisions of subsection (d) of Code Section 15-11-63 shall apply as in other cases~~  
 12 Reserved."

### 13 SECTION 5.

14 Said chapter is further amended by striking Code Section 15-11-30.4, relating to transfer of  
 15 criminal or quasi-criminal proceedings to juvenile court, and inserting in lieu thereof a new  
 16 Code Section 15-11-30.4 to read as follows:

17 "15-11-30.4.

18 If it appears to any court in a criminal proceeding or a quasi-criminal proceeding that the  
 19 defendant is a child, ~~except in cases where the superior court has exclusive or concurrent~~  
 20 ~~jurisdiction as provided in subsection (b) of Code Section 15-11-28~~, the case shall  
 21 forthwith be transferred to the juvenile court together with a copy of the accusatory  
 22 pleading and all other papers, documents, and transcripts of testimony relating to the case.  
 23 The transferring court shall order that the child be taken forthwith to the juvenile court or  
 24 to a place of detention designated by the court or shall release him or her to the custody of  
 25 his or her parent, guardian, custodian, or other person legally responsible for him or her,  
 26 to be brought before the juvenile court at a time designated by that court. The accusatory  
 27 pleading may not serve in lieu of a petition in the juvenile court ~~unless that court directs~~  
 28 ~~the filing of a petition."~~

### 29 SECTION 6.

30 Said chapter is further amended by striking subsection (a) of Code Section 15-11-47, relating  
 31 to the procedure on taking a child into custody and detention, and inserting in lieu thereof a  
 32 new subsection (a) to read as follows:

33 "(a) *Release to parents; delivery to medical facility, intake officer, or court.* A person  
 34 taking a child into custody, with all reasonable speed and without first taking the child  
 35 elsewhere, shall:

1 (1) Forthwith release without bond the child to the child's parents, guardian, or other  
 2 custodian upon their promise to bring the child before the court when requested by the  
 3 court;

4 (2) Forthwith deliver the child to a medical facility if the child is believed to suffer from  
 5 a serious physical condition or illness which requires prompt treatment and, upon  
 6 delivery, shall promptly contact a juvenile court intake officer. Immediately upon being  
 7 notified by the person taking a child into custody, the intake officer shall determine if  
 8 such child should be released, detained, or brought before the court. Prior to an informal  
 9 detention hearing or committal hearing authorized under Code Sections 17-6-15 and  
 10 17-6-16 and Articles 1, 2, and 8 of Chapter 7 of Title 17, the child shall be placed in  
 11 detention, if necessary, only in such places as are authorized by Code Section 15-11-48;  
 12 or

13 (3) Bring the child immediately before the juvenile court or promptly contact a juvenile  
 14 court intake officer. The intake officer shall determine if the child should be released or  
 15 detained. Prior to an informal detention hearing, the child shall be placed in detention, if  
 16 necessary, only in such places as are authorized by Code Section 15-11-48; ~~or~~

17 ~~(4) Bring the child who is suspected of committing a delinquent act before the superior~~  
 18 ~~court of the county where the delinquent act occurred if the act is an act over which the~~  
 19 ~~superior court has exclusive or concurrent jurisdiction as provided in subsection (b) of~~  
 20 ~~Code Section 15-11-28; however, pending a commitment hearing authorized under Code~~  
 21 ~~Sections 17-6-15 and 17-6-16 and Articles 1, 2, and 8 of Chapter 7 of Title 17 or an~~  
 22 ~~indictment, the child shall be returned and placed in detention, if necessary, only in such~~  
 23 ~~places as are authorized by Code Section 15-11-48."~~

## 24

### 25 SECTION 7.

26 Said chapter is further amended by striking Code Section 15-11-48, relating to place of  
 27 detention, and inserting in lieu thereof a new Code Section 15-11-48 to read as follows:

28 "15-11-48.

29 (a) *Allegation of delinquency.* A child alleged to be delinquent may be detained only in:

30 (1) A licensed foster home or a home approved by the court which may be a public or  
 31 private home or the home of the noncustodial parent or of a relative;

32 (2) A facility operated by a licensed child welfare agency; or

33 (3) A detention home or center for delinquent children which is under the direction or  
 34 supervision of the court or other public authority or of a private agency approved by the  
 35 court.

36 (b) *Allegation of capital or violent offense.* A child alleged to have committed an offense  
 37 over which the superior court has ~~exclusive or concurrent~~ jurisdiction under subsection (b)

1 of Code Section 15-11-28 shall be detained pending a commitment hearing under Code  
 2 Sections 17-6-15 and 17-6-16 and Articles 1, 2, and 8 of Chapter 7 of Title 17 or an  
 3 indictment only in a facility described in paragraphs (1) through (3) of subsection (a) of this  
 4 Code section unless it appears to the satisfaction of the court in which the case is pending  
 5 that public safety and protection reasonably require detention in the jail and the court so  
 6 orders, but only where the detention is in a room separate and removed from those for  
 7 adults and constructed in such a way that there can be no physical contact between a child  
 8 and an adult offender.

9 ~~(c) *Transfer following indictment.* Following an indictment for an offense over which the~~  
 10 ~~superior court has exclusive or concurrent jurisdiction under subsection (b) of Code Section~~  
 11 ~~15-11-28 or following the transfer of a case to any court for criminal prosecution under~~  
 12 Code Section 15-11-30.2, the child shall be held only in a facility described in  
 13 paragraphs (1) through (3) of subsection (a) of this Code section ~~unless it appears to the~~  
 14 ~~satisfaction of the superior court that public safety and protection reasonably require~~  
 15 ~~detention in the jail and the court so orders, but only where the detention is in a room~~  
 16 ~~separate and removed from those for adults and constructed in such a way that there can~~  
 17 ~~be no physical contact between a child and an adult offender.~~

18 (d) *Notification of court by official of jail.* The official in charge of a jail or other facility  
 19 for the detention of adult offenders or persons charged with crime shall immediately inform  
 20 the juvenile court or a duly authorized officer of the juvenile court if a person who is or  
 21 appears to be under the age of 17 years is received at the facility and shall bring him or her  
 22 before the court upon request or deliver him or her to a detention or shelter care facility  
 23 designated by the court; ~~provided, however, the official in charge of a jail or other facility~~  
 24 ~~for the detention of adult offenders or persons charged with a crime shall immediately~~  
 25 ~~inform the court in which the case is pending or a duly authorized officer of such court if~~  
 26 ~~a person who is or appears to be 13 to 17 years of age and who is alleged to have~~  
 27 ~~committed any offense enumerated in subparagraph (b)(2)(A) of Code Section 15-11-28~~  
 28 ~~is received at the facility and shall bring him or her before the court upon request or deliver~~  
 29 ~~him or her to a detention facility designated by the court. Such~~ The child shall not be held  
 30 in the jail but may be held in a temporary holding area outside of the jail constructed as  
 31 such for not longer than six hours pending transfer to ~~the detention~~ a facility described in  
 32 paragraphs (1) through (3) of subsection (a) of this Code section. For purposes of this  
 33 Code section, the term 'jail' shall include not only the cells, but any other secured area of  
 34 the jail adjacent to the cells in which adult offenders are held or through which they are  
 35 transported.

36 (e) *Allegation of unruliness.* A child unruly or alleged to be unruly who has not been  
 37 released from custody as provided in subsection (e) of Code Section 15-11-47 may be

1 detained or placed in shelter care only in the facilities stated in paragraphs (1) and (2) of  
2 subsection (a) of this Code section or in a secure juvenile detention facility for a period not  
3 to exceed 72 hours; provided, however, upon written order of the judge having jurisdiction  
4 of the case and upon good cause shown, a child alleged to be unruly may be detained for  
5 one additional period not to exceed 48 hours; provided, further, that no child alleged to be  
6 or found to be unruly who has not previously been adjudicated unruly may be detained in  
7 a secure juvenile detention facility unless such child is alleged to be under the court's  
8 jurisdiction as provided in subparagraph (D) of paragraph (12) of Code Section 15-11-2  
9 and then shall be detained in that facility only so long as is required to effect the child's  
10 return home or to ensure the child's presence at a scheduled court appearance when the  
11 child has previously failed to appear for a scheduled court appearance. In the event a child  
12 alleged to be unruly comes within the purview of the Interstate Compact on Juveniles and  
13 the proper authorities of a demanding state have made an official return request to the  
14 proper authorities of this state, the Interstate Compact on Juveniles shall apply to the child.

15 (f) *Allegation of deprivation.* A child alleged to be deprived may be placed in shelter care  
16 only in the facilities stated in paragraphs (1) and (2) of subsection (a) of this Code section  
17 or in a shelter care facility operated by the court. The actual physical placement of a child  
18 pursuant to this subsection shall require the approval of the judge of the juvenile court or  
19 his or her designee.

20 (g) *Data to be maintained.* All facilities that detain children for pretrial detention shall  
21 maintain the following data on each child detained:

- 22 (1) Name;
- 23 (2) Date of birth;
- 24 (3) Sex;
- 25 (4) Race;
- 26 (5) Offense or offenses for which being detained;
- 27 (6) Date of and authority for confinement;
- 28 (7) Date of and authority for release or transfer; and
- 29 (8) Where transferred or to whom released.

30 Such data shall be recorded and retained by the facility for three years and shall be made  
31 available for inspection during normal business hours by any court exercising juvenile  
32 court jurisdiction, by the Department of Juvenile Justice, by the Department of Corrections,  
33 and by the Georgia Council of Juvenile Court Judges."



1 violation of Code Section 16-5-23.1 if the victim is a teacher or other school  
2 personnel, if done by a child 13 or more years of age;

3 (iii) Attempted murder or attempted kidnapping, if done by a child 13 or more years  
4 of age;

5 (iv) The carrying or possession of a weapon in violation of subsection (b) of Code  
6 Section 16-11-127.1;

7 (v) Hijacking a motor vehicle, if done by a child 13 or more years of age;

8 (vi) Any violation of Code Section 16-7-82, 16-7-84, or 16-7-86 if done by a child  
9 13 or more years of age;

10 (vii) Any other act which, if done by an adult, would be a felony, if the child  
11 committing the act has three times previously been adjudicated delinquent for acts  
12 which, if done by an adult, would have been felonies;

13 (viii) Any violation of Code Section 16-13-31, relating to trafficking in cocaine,  
14 illegal drugs, marijuana, or methamphetamine;

15 (ix) Any criminal violation of Code Section 16-14-4, relating to racketeering; or

16 (x) Any violation of Code Section 16-10-52, relating to escape, if the child involved  
17 in the commission of such act has been previously adjudicated to have committed a  
18 designated felony;

19 (C) Constitutes a second or subsequent adjudication of delinquency based upon a  
20 violation of Code Section 16-7-85 or 16-7-87;

21 ~~(C.1)~~ (D) Constitutes any violation of Code Section 16-15-4, relating to criminal street  
22 gangs; or

23 ~~(D) Constitutes an offense within the exclusive jurisdiction of the superior court~~  
24 ~~pursuant to subparagraph (b)(2)(A) of Code Section 15-11-28 which is transferred by~~  
25 ~~the superior court to the juvenile court for adjudication pursuant to subparagraph~~  
26 ~~(b)(2)(B) of Code Section 15-11-28 or which is transferred by the district attorney to~~  
27 ~~the juvenile court for adjudication pursuant to subparagraph (b)(2)(C) of Code Section~~  
28 ~~15-11-28; or~~

29 (E) Constitutes a second or subsequent violation of Code Sections 16-8-2 through  
30 16-8-9, relating to theft, if the property which was the subject of the theft was a motor  
31 vehicle."

### 32 SECTION 10.

33 Said chapter is further amended by striking subsection (e) of Code Section 15-11-82, relating  
34 to juvenile law enforcement records, and inserting in lieu thereof a new subsection (e) to read  
35 as follows:

1 ~~“(e) Any law enforcement records and files involving an offense over which the superior~~  
 2 ~~court shall have exclusive jurisdiction as provided in paragraph (2) of subsection (b) of~~  
 3 ~~Code Section 15-11-28 shall be kept and reported in the same manner as the records and~~  
 4 ~~files of adults Reserved.”~~

#### 5 **SECTION 11.**

6 Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to sentence and  
 7 punishment, is amended by striking Code Section 17-10-14, relating to committal of a person  
 8 under 17 years of age convicted of a felony, and inserting in lieu thereof a new Code Section  
 9 17-10-14 to read as follows:

10 “17-10-14.

11 (a) Notwithstanding any other provisions of this article and except as otherwise provided  
 12 in ~~subsections (b) and (c)~~ subsection (b) of this Code section, in any case where a person  
 13 under the age of 17 years is convicted of a felony and sentenced as an adult to life  
 14 imprisonment or to a certain term of imprisonment, such person shall be committed to the  
 15 Department of Juvenile Justice to serve such sentence in a detention center of such  
 16 department until such person is 17 years of age at which time such person shall be  
 17 transferred to the Department of Corrections to serve the remainder of the sentence. This  
 18 Code section shall apply to any person convicted on or after July 1, 1987, and to any person  
 19 convicted prior to such date who has not been committed to an institution operated by the  
 20 Department of Corrections.

21 ~~(b) If a child is transferred to superior court according to subsection (b) of Code Section~~  
 22 ~~15-11-30.2 and convicted of aggravated assault as defined in Chapter 5 of Title 16, the~~  
 23 ~~court may sentence such child to the Department of Corrections. Such child shall be housed~~  
 24 ~~in a designated youth confinement unit until such person is 17 years of age, at which time~~  
 25 ~~such person may be housed in any other unit designated by the Department of Corrections.~~

26 ~~(c)~~(b) In any case where a child 13 to 17 years of age is convicted of a serious violent  
 27 ~~felony provided under subparagraph (b)(2)(A) of Code Section 15-11-28 as defined in~~  
 28 Code Section 17-10-6.1, such child shall be committed to the custody of the Department  
 29 of Corrections and shall be housed in a designated youth confinement unit until such  
 30 person is 17 years of age, at which time such person may be housed in any other unit  
 31 designated by the Department of Corrections.”

#### 32 **SECTION 12.**

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