

House Bill 1299 (COMMITTEE SUBSTITUTE)

By: Representatives Bruce of the 45th, Willard of the 40th, Walker of the 115th, Thomas Morgan of the 33rd, Post 2, Stokes of the 72nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 18 of Title 15 and Chapter 7 of Title 17 of the Official Code of Georgia
2 Annotated, relating respectively to prosecuting attorneys and pretrial proceedings, so as to
3 provide for juvenile justice reforms; to provide training programs for prosecuting attorneys
4 representing the state in delinquency cases under certain circumstances; to provide for certain
5 facilities that are detaining certain children to notify certain officials of the detention; to
6 provide for procedures related to jurisdiction and indictment for children charged with crimes
7 within the jurisdiction of superior courts; to provide for related matters; to provide an
8 effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting
12 attorneys, is amended by adding a new subsection to Code Section 15-18-45, relating to the
13 Prosecuting Attorneys' Council's authorization to conduct or approve training programs, to
14 read as follows:

15 "(c) Any prosecuting attorney assigned or employed on a full-time basis to represent the
16 state in delinquency cases in juvenile court shall complete an initial training program
17 prescribed by the Prosecuting Attorneys' Council of the State of Georgia within 12 months
18 of becoming assigned or employed and shall participate in at least one seminar conducted
19 or approved by the Prosecuting Attorneys' Council of the State of Georgia each year. The
20 Prosecuting Attorneys' Council of the State of Georgia may waive the initial training
21 requirement for any prosecuting attorney who is assigned or employed on a full-time basis
22 to represent the state in delinquency cases in juvenile court on or before July 1, 2004."

SECTION 2.

Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, is amended by adding a new Code section to the end of Article 1, relating to general provisions, to read as follows:

"17-7-3.

The official in charge of any facility that detains a child for a pending trial in the superior, state, or juvenile courts, including but not limited to, sheriffs, regional jail authorities, and the Department of Juvenile Justice, shall furnish at least once a week a list of all children so detained to the chief judge, or his or her designee, and the prosecuting attorney for the court or courts having jurisdiction to adjudicate the case against the child. The list shall include the following information pertaining to each child:

- (1) The child's name, date of birth, sex, and race;
- (2) The date detention began;
- (3) The offense charged or other reason for being held;
- (4) The amount of the bond, if known; and
- (5) Whether the child is represented by an attorney and, if represented, the name of the attorney."

SECTION 3.

Said chapter is further amended by adding a new Code section to Article 3, relating to indictments, to read as follows:

"17-7-50.1.

(a) Any child who is charged with a crime that is within the jurisdiction of the superior court, as provided in Code Section 15-11-28, who is detained shall within 180 days of the date of detention be entitled to have the charge against him or her presented to the grand jury. The superior court shall, upon motion for an extension of time and after a hearing and good cause shown, grant one extension to the original 180 day period, not to exceed 90 additional days.

(b) If the grand jury does not return a true bill against the detained child within the time limitations set forth in subsection (a) of this Code section, the detained child's case shall be transferred to the juvenile court and shall proceed thereafter as provided in Chapter 11 of Title 15.

(c) The provisions of this Code section shall not apply to any case in which the prosecuting attorney files notice with the court that the detained child is a codefendant to a case in which an adult is charged with committing the same offense and the state has filed a notice of its intention to seek the death penalty."

1 **SECTION 4**

2 This Act shall become effective on July 1, 2004.

3 **SECTION 5.**

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