

Senate Bill 134

By: Senators Kemp of the 46th, Harbison of the 15th, Fort of the 39th, Zamarripa of the 36th and Stephens of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juvenile proceedings, so as to provide that the Department of Juvenile Justice operate certain
3 programs for persons who violate the terms and conditions of probation; to provide that the
4 Department of Juvenile Justice operate certain community based alternative programs under
5 certain circumstances; to change provisions relating to disposition of a delinquent child; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
10 proceedings, is amended by inserting a new Code section to follow Code Section 15-11-40,
11 relating to modification or vacation of orders and revocation of probation, to read as follows:

12 "15-11-40.1.

13 (a) The Department of Juvenile Justice shall operate a probation sanctions program for
14 children whose probation is revoked for violating conditions of probation. The sanctions
15 program criteria shall be established by the Department of Juvenile Justice and shall be
16 available to juvenile courts provided that adequate resources are dedicated to the
17 Department of Juvenile Justice for such programs. The sanctions program shall focus on
18 restoring victims, holding violators accountable for their actions, increasing community
19 involvement, and increasing children's competencies. The criteria shall include graduated
20 sanctions of seven, 14, and 45 days in secure confinement. For a child who is on probation,
21 is not otherwise subject to the designated felony act, and is adjudicated for a new offense
22 that if committed by an adult would receive a minimum ten-year sentence, such child may
23 receive up to six months in a youth detention center. The sanctions program shall offer
24 intensive community supervision, access to treatment services, and aftercare planning.
25 Probation officers supervising a child on probation shall file a petition for revocation with
26 the juvenile court when a child meets the criteria established by the Department of Juvenile

1 Justice or may present a signed waiver by the child and his or her guardian or the child and
 2 his or her attorney admitting to the violations and agreeing to submit to the sanctions
 3 program.

4 (b) If a child is sentenced to a sanctions program and completes all program components,
 5 the child shall not be eligible to attend a sanctions program for a future violation of a
 6 condition of any probated sentence.

7 (c) The Department of Juvenile Justice shall establish community based alternative
 8 programs and prevention programs to serve truants, runaways, unruly children, and other
 9 nonviolent delinquent acts otherwise served by the Department of Juvenile Justice. The
 10 community based alternative programs shall be offered in individual judicial circuits or
 11 statewide provided that adequate funds are dedicated for this purpose within the
 12 Department of Juvenile Justice."

13 SECTION 2.

14 Said chapter is further amended by striking subsection (b) of Code Section 15-11-66, relating
 15 to disposition of a delinquent child, and inserting in lieu thereof the following:

16 "(b) At the conclusion of the dispositional hearing provided in subsection (a) of Code
 17 Section 15-11-65, if the child is found to have committed a delinquent act, the court may,
 18 in addition to any other treatment or rehabilitation, suspend the driver's license of such
 19 child for any period not to exceed the date on which the child becomes 18 years of age or,
 20 in the case of a child who does not have a driver's license, prohibit the issuance of a
 21 driver's license to such child for any period not to exceed the date on which the child
 22 becomes 18 years of age. The court shall retain the driver's license for a period of
 23 suspension and return it to the offender at the end of such period. The court shall notify
 24 the Department of Motor Vehicle Safety of any such actions taken pursuant to this
 25 subsection. ~~If the child is adjudicated for the commission of a delinquent act, the court~~
 26 ~~may in its discretion, in addition to any other treatment or rehabilitation, order the child to~~
 27 ~~serve up to a maximum of 90 days in a youth development center, or after assessment and~~
 28 ~~with the court's approval, in a treatment program provided by the Department of Juvenile~~
 29 ~~Justice or the juvenile court."~~

30 SECTION 3.

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