

Senate Resolution 161

By: Senators Hamrick of the 30th, Tate of the 38th, Kemp of the 46th, Unterman of the 45th and Harbison of the 15th

ADOPTED SENATE

A RESOLUTION

- 1 Creating the Juvenile Law Commission; and for other purposes.
- 2 WHEREAS, the death of Amy Yates focused the public's attention on deficiencies in the
3 juvenile justice system; and
- 4 WHEREAS, the safety and welfare of Georgia's persons and property would best be served
5 by a juvenile justice system that fairly balances the needs of children with the needs of the
6 community and those who have been victims of delinquent acts committed by children; and
- 7 WHEREAS, the safety and welfare of Georgia's children would be best served by a juvenile
8 justice system that fairly balances the goals of family reunification and public safety with the
9 physical and emotional well-being of the children; and
- 10 WHEREAS, the current Juvenile Code, Chapter 11 of Title 15 of the Official Code of
11 Georgia Annotated, was enacted in 1971 based on the work and recommendations of the
12 Delinquent Offender and Juvenile Court Study Commission created by House Resolution
13 621-1248 and approved on March 24, 1970 (Ga. L. 1970, p. 847); and
- 14 WHEREAS, the Juvenile Code has been amended numerous times since its enactment
15 resulting in some provisions of the Code being confused and inconsistent; and
- 16 WHEREAS, juvenile court judges, child advocate attorneys, juvenile public defenders and
17 attorneys who represent children, prosecuting attorneys, child welfare practitioners, law
18 enforcement officials, and state policymakers have recognized that the existing Juvenile
19 Code is in need of reorganization and reformation; and
- 20 WHEREAS, the Juvenile Law Committee of the Young Lawyers Division of the State Bar
21 of Georgia has undertaken the project of rewriting the Juvenile Code; and

1 WHEREAS, the safety and welfare of the public and Georgia's children would be best
2 served by a comprehensive, research based, best practices legal model that would simplify
3 and govern juvenile practice and procedure.

4 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
5 GEORGIA that there is created the Juvenile Law Commission to be composed of 25
6 members as follows:

7 (1) Three members of the Senate to be appointed by the Senate Committee on
8 Assignments, one of whom shall be designated as the cochairperson;

9 (2) Three members of the House of Representatives to be appointed by the Speaker of
10 the House, one of whom shall be designated as the cochairperson;

11 (3) The commissioner of the Department of Juvenile Justice or his or her designee;

12 (4) The commissioner of the Department of Human Resources or his or her designee;

13 (5) The director of the Children and Youth Coordinating Council or his or her designee;

14 (6) A state school superintendent appointed by the State School Superintendent;

15 (7) A juvenile court judge appointed by the Council of Juvenile Court Judges;

16 (8) The Executive Director of the Council of Juvenile Court Judges or his or her
17 designee;

18 (9) A superior court judge who has served as a juvenile court judge appointed by the
19 Council of Superior Court Judges of Georgia;

20 (10) A criminal defense attorney who routinely defends juvenile offenders appointed by
21 the Georgia Public Defender Standards Council;

22 (11) The Child Advocate for the Protection of Children or his or her designee;

23 (12) The chairperson of the Prosecuting Attorneys' Council of Georgia or his or her
24 designee;

25 (13) A prosecuting attorney who routinely prosecutes juvenile offenders appointed by
26 the Prosecuting Attorneys' Council of the State of Georgia;

27 (14) A special assistant attorney general appointed by the Attorney General;

28 (15) Two members of the Juvenile Law Committee of the Young Lawyers Division of
29 the State Bar of Georgia appointed by the Juvenile Law Committee of the Young
30 Lawyers Division of the State Bar of Georgia; one member who has experience relating
31 to child welfare and deprivation law; and one member who has experience relating to
32 juvenile justice;

33 (16) A sheriff appointed by the Governor;

34 (17) A chief of police appointed by the Governor;

35 (18) Two members appointed by the Governor; and

1 (19) The legislative chairperson of the Georgia Association of Criminal Defense
2 Lawyers or his or her designee.

3 The Governor shall also appoint two other persons who shall serve in an advisory capacity
4 to the committee. Any vacancy on the committee shall be filled by appointment by the
5 original appointing authority.

6 BE IT FURTHER RESOLVED that the committee shall study the conditions, needs, issues,
7 and problems of the juvenile justice and child welfare system in Georgia. In conducting such
8 study, the commission shall study juvenile law and procedures in Georgia and other states
9 and shall elicit views from experts in the field of juvenile justice and child welfare. The
10 commission shall examine recent court decisions affecting children and shall determine what
11 revisions to the Code, if any, are necessary and desirable. The commission shall review the
12 range of services or sanctions that are needed by the juvenile justice and child welfare system
13 to best serve the needs of the community, families, and children.

14 The commission may appoint study committees composed of members of this commission
15 as well as public officials and citizens who have expertise or particular interest in the various
16 areas of the juvenile justice and child welfare system. The commission shall periodically
17 review the progress of the study committees and establish a time frame for the completion
18 of the study committee's work. After a study committee has completed its work, it shall
19 submit its report and recommendations to the commission.

20 The commission shall meet for the purpose of organizing and electing such officers as it
21 deems advisable, determining a quorum, adopting procedures for operations, and attending
22 to such other matters as it deems appropriate within 45 days of this resolution becoming law.
23 The date, time, and place of the first meeting shall be determined by the Governor.

24 The Office of Legislative Counsel shall provide staff to the commission. The commission
25 may enter into agreements with other state agencies and public or private organizations,
26 including the Juvenile Law Committee of the Young Lawyers Division of the State Bar of
27 Georgia, for such additional staff or support as the commission may determine to be
28 necessary.

29 The commission shall recommend to the Governor, the General Assembly, and the judiciary
30 any action or legislation which the commission deems necessary or appropriate and shall
31 oversee the implementation of such recommendations.

1 The legislative members of the commission shall receive the allowances provided for in
2 Code Section 28-1-8 of the Official Code of Georgia Annotated. Citizen members shall
3 receive a daily expense allowance in the amount specified in subsection (b) of Code Section
4 45-7-21 of the Official Code of Georgia Annotated as well as the mileage or transportation
5 allowance authorized for state employees. Members of the commission who are state
6 officials, other than legislative members, and state employees shall receive no compensation
7 for their services on the commission, but they shall be reimbursed for expenses incurred by
8 them in the performance of their duties as members of the commission in the same manner
9 as they are reimbursed for expenses in their capacities as state officials or employees. The
10 funds necessary for the reimbursement of the expenses of state officials, other than legislative
11 members, and state employees shall come from funds appropriated to or otherwise available
12 to their respective departments. All other funds necessary to carry out the provisions of this
13 resolution shall come from funds appropriated to the Senate and the House of
14 Representatives. The expenses and allowances authorized by this resolution shall not be
15 received by any member of the commission for more than five days unless additional days
16 are authorized as provided by the rules of the Senate or the House of Representatives.

17 In the event the commission makes a report of its findings and recommendations, with
18 suggestions for proposed legislation, if any, such report shall be made on or before December
19 31, 2006.

20 This resolution shall be repealed on December 31, 2006, and the commission and all study
21 committees shall stand abolished on December 31, 2006.