

Senate Bill 135

By: Senators Smith of the 52nd, Hill of the 32nd, Grant of the 25th, Kemp of the 46th, Mullis of the 53rd and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to
2 pretrial proceedings, so as to provide for procedures related to jurisdiction and indictment for
3 children charged with crimes within the jurisdiction of superior courts; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial
8 proceedings, is amended by adding a new Code Section 17-7-50.1 to Article 3, relating to
9 indictments, to read as follows:

10 "17-7-50.1.

11 (a) Any child who is charged with a crime that is within the jurisdiction of the superior
12 court, as provided in Code Section 15-11-28 or 15-11-30.2, who is detained shall within
13 180 days of the date of detention be entitled to have the charge against him or her presented
14 to the grand jury. The superior court shall, upon motion for an extension of time and after
15 a hearing and good cause shown, grant one extension to the original 180 day period, not
16 to exceed 90 additional days.

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

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

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.