

## Senate Resolution 161 (RULES COMMITTEE SUBSTITUTE)

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

## A RESOLUTION

1 Creating the Juvenile Law Commission; and for other purposes.

2 WHEREAS, the safety and welfare of Georgia's persons and property would best be served  
3 by a juvenile justice system that fairly balances the needs of children with the needs of the  
4 community and those who have been victims of delinquent acts committed by children; and

5 WHEREAS, the safety and welfare of Georgia's children would be best served by a juvenile  
6 justice system that fairly balances the goals of family reunification and public safety with the  
7 physical and emotional well-being of the children; and

8 WHEREAS, the current Juvenile Code, Chapter 11 of Title 15 of the Official Code of  
9 Georgia Annotated, was enacted in 1971 based on the work and recommendations of the  
10 Delinquent Offender and Juvenile Court Study Commission created by House Resolution  
11 621-1248 and approved on March 24, 1970 (Ga. L. 1970, p. 847); and

12 WHEREAS, the Juvenile Code has been amended numerous times since its enactment  
13 resulting in some provisions of the Code being confused and inconsistent; and

14 WHEREAS, juvenile court judges, child advocate attorneys, juvenile public defenders and  
15 attorneys who represent children, prosecuting attorneys, child welfare practitioners, law  
16 enforcement officials, and state policymakers have recognized that the existing Juvenile  
17 Code is in need of reorganization and reformation; and

18 WHEREAS, the Juvenile Law Committee of the Young Lawyers Division of the State Bar  
19 of Georgia has undertaken the project of rewriting the Juvenile Code; and

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

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

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

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

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

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

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

11 (6) A local school superintendent appointed by the State School Superintendent;

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

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

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

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

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

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

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

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

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

30 (16) A sheriff appointed by the Governor;

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

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

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

35 The Governor shall also appoint two other persons who shall serve in an advisory capacity  
36 to the commission. Any vacancy on the commission shall be filled by appointment by the  
37 original appointing authority.

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

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

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

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

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

27 The legislative members of the commission shall receive the allowances provided for in  
28 Code Section 28-1-8 of the Official Code of Georgia Annotated. Citizen members shall  
29 receive a daily expense allowance in the amount specified in subsection (b) of Code Section  
30 45-7-21 of the Official Code of Georgia Annotated as well as the mileage or transportation  
31 allowance authorized for state employees. Members of the commission who are state  
32 officials, other than legislative members, and state employees shall receive no compensation

1 for their services on the commission. The funds necessary for the reimbursement of the  
2 expenses of state officials, other than legislative members, and state employees shall come  
3 from funds appropriated to or otherwise available to their respective departments. All other  
4 funds necessary to carry out the provisions of this resolution shall come from funds  
5 appropriated to the Senate and the House of Representatives. The expenses and allowances  
6 authorized by this resolution shall not be received by any member of the commission for  
7 more than five days unless additional days are authorized as provided by the rules of the  
8 Senate or the House of Representatives.

9 In the event the commission makes a report of its findings and recommendations, with  
10 suggestions for proposed legislation, if any, such report shall be made on or before December  
11 31, 2005.

12 This resolution shall be repealed on December 31, 2005, and the commission and all study  
13 committees shall stand abolished on December 31, 2005.