

Senate Resolution 700

By: Senators Hamrick of the 30th and Unterman of the 45th

A RESOLUTION

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

2 WHEREAS, the 2005 General Assembly created the Juvenile Law Commission in Senate
3 Resolution 161, and the work of such commission was not completed before December 31,
4 2005; and

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

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

11 WHEREAS, the current Juvenile Code, Chapter 11 of Title 15 of the Official Code of
12 Georgia Annotated, was enacted in 1971 based on the work and recommendations of the
13 Delinquent Offender and Juvenile Court Study Commission created by House Resolution
14 621-1248 and approved on March 24, 1970 (Ga. L. 1970, p. 847); and

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

17 WHEREAS, juvenile court judges, child advocate attorneys, juvenile public defenders and
18 attorneys who represent children, prosecuting attorneys, child welfare practitioners, law
19 enforcement officials, and state policymakers have recognized that the existing Juvenile
20 Code is in need of reorganization and reformation; 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 29
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 local 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;

1 (18) Four members appointed by the Governor, one of whom is a member of the
2 Association County Commissioners of Georgia and one of whom is a member of the
3 Georgia Municipal Association;

4 (19) Two members of the Georgia Association of Criminal Defense Lawyers, one of
5 whom specializes in delinquency cases and one of whom specializes in deprivation cases,
6 appointed by the President of the Georgia Association of Criminal Defense Lawyers; and

7 (20) A court appointed special advocate appointed by the Child Advocate for the
8 Protection of Children.

9 Any vacancy on the commission shall be filled by appointment by the original appointing
10 authority.

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

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

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

29 The Office of Legislative Counsel shall provide staff to the commission. The commission
30 may enter into agreements with other state agencies and public or private organizations for
31 such additional staff or support as the commission may determine to be necessary.

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

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

18 In the event the commission makes a report of its findings and recommendations, with
19 suggestions for proposed legislation, if any, such report shall be made on or before December
20 31, 2006.

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