

Senate Bill 479

By: Senator Thompson of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 37-1-21 of the Official Code of Georgia Annotated, relating to
2 institutional powers and duties of the Board and Department of Human Resources regarding
3 mental health, so as to require notification of the local government with jurisdiction over the
4 site where the Department of Human Resources and its specified agents and designees plan
5 to construct, build, acquire, lease, locate, or contract for the use of certain facilities, hospitals,
6 or institutions; to provide for a response from the local government so notified; to provide
7 that the department is not authorized to proceed with plans for such facility, hospital, or
8 institution without the consent of the local government; to amend Chapter 2 of Title 42 of
9 the Official Code of Georgia Annotated, relating to the state Board and Department of
10 Corrections, so as to require notification of the local government with jurisdiction over the
11 site where the Department of Corrections plans to construct, build, acquire, lease, locate, or
12 contract for the use of any of certain correctional institutions or other facilities used for
13 supervision of persons within the custody or under the supervision of the department; to
14 provide for a response from the local government so notified; to provide that the department
15 is not authorized to proceed with plans for such correctional or other facility without consent
16 of the local government; to amend Chapter 4A of Title 49 of the Official Code of Georgia
17 Annotated, relating to the state Department of Juvenile Justice, so as to require notification
18 of the local government with jurisdiction over the site where the Department of Juvenile
19 Justice plans to construct, build, acquire, lease, locate, or contract for the use of any of
20 certain juvenile detention, supervision, or treatment facilities; to provide for a response from
21 the local government so notified; to provide that the department is not authorized to proceed
22 with plans for such juvenile detention, supervision, or treatment facility without the consent
23 of the local government; to provide for related matters; to provide for an effective date; to
24 repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 governing authority of the local government has, by majority vote, consented to the
 2 construction, building, acquisition, lease, location, or contract for the use of a facility for
 3 holding or supervising persons who are in the custody or under the supervision of the
 4 department within its geographic jurisdiction.

5 (c) The department is not authorized to proceed with plans for the construction, building,
 6 acquisition, lease, location, or contract for the use of any facility for holding or supervising
 7 persons who are in the custody or under the supervision of the department without consent
 8 of the governing authority of the local government having jurisdiction over the proposed
 9 site."

10 SECTION 3.

11 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the state
 12 Department of Juvenile Justice, is amended by striking Code Section 49-4A-4, relating to the
 13 purpose of the chapter and detention care facilities, in its entirety and inserting in its place
 14 a new Section 49-4A-4 to read as follows:

15 "49-4A-4.

16 (a) It is the purpose of this chapter to establish the department as the agency to
 17 administer, supervise, and manage juvenile detention facilities. Except for the purposes
 18 of administration, supervision, and management as provided in this chapter, juvenile
 19 detention facilities shall continue to be detention care facilities for delinquent and unruly
 20 children and youth for the purposes of Article 1 of Chapter 11 of Title 15, relating to
 21 juvenile courts and juvenile proceedings.

22 (b) The department shall notify the county, municipal corporation, or consolidated
 23 government that encompasses the geographic site where the department plans to
 24 construct, build, acquire, lease, locate, or contract for the use of a new juvenile detention
 25 facility or other facility for holding, supervising, or treating persons who are in the
 26 custody or under the care or supervision of the department. For cities and counties, the
 27 department shall notify the county if the site is located in the unincorporated part of a
 28 county and shall notify the municipal corporation if the site is located within the
 29 corporate limits of a municipal corporation.

30 (c) A local government that receives such a notification shall respond to the department
 31 within 90 days of receipt of notification, and such response shall indicate whether the
 32 governing authority of the local government has, by majority vote, consented to the
 33 construction, building, acquisition, lease, location, or contract for the use of such juvenile
 34 detention, supervision, or treatment facility within its geographic jurisdiction.

35 (d) The department is not authorized to proceed with plans for the construction, building,
 36 acquisition, lease, location, or contract for the use of any facility for holding, supervising,

1 or treating persons who are in the custody or under the supervision of the department
2 without consent of the governing authority of the local government having jurisdiction
3 over the proposed site."

4 **SECTION 4.**

5 This Act shall become effective on July 1, 2006.

6 **SECTION 5.**

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