

House Bill 1396

By: Representatives Day of the 163rd and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-47 of the Official Code of Georgia Annotated, relating to
2 procedures on taking a child into custody and detention of a child alleged to be unruly, so as
3 to increase the time of detention for a child 14 years of age or older who has violated curfew
4 and acted unruly toward law enforcement officers; to provide for the method of detention for
5 such a child 16 years of age or older; to provide for related matters; to provide an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-11-47 of the Official Code of Georgia Annotated, relating to procedures on
10 taking a child into custody and detention of a child alleged to be unruly, is amended by
11 striking subsection (e) and inserting a new subsection (e) to read as follows:

12 *"(e) Treatment of unruly child.*

13 (1) With respect to a child suspected of being unruly as defined in paragraph (12) of
14 Code Section 15-11-2 or a child who is in violation of a curfew, a person taking such a
15 child into custody shall not exercise custody over the child except for a period of 12
16 hours; provided, however, that any such child who is 14 years of age or older who is
17 unruly toward a law enforcement officer while in violation of curfew may be held in
18 custody up to 72 hours. A child taken into custody may be detained in a holding facility
19 for unruly children as provided for in paragraph (2) of this subsection. If a parent or
20 guardian has not assumed custody of the child at the end of such period or if the child has
21 not been brought before the juvenile court or if an intake officer has not made a detention
22 decision, the child shall be released from custody. In no case shall such a child in custody
23 be detained in a jail.

24 (2) Counties and municipalities are authorized to establish facilities where a child who
25 is suspected of being unruly or who is in violation of a curfew may be informally
26 detained until the parent or guardian assumes custody of the child. Immediately after a

1 child is brought into such a facility, every effort shall be made to contact the parent or
2 guardian of the child. A child shall not be restrained in a cell or other such place apart
3 from other children unless such child engages in disruptive or unruly behavior while at
4 the holding facility or is 16 years of age or older."

5 **SECTION 2.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law
7 without such approval.

8 **SECTION 3.**

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