

ADOPTED SENATE

1 Senator Hamrick of the 30th offered the following amendment:

2 *Amend the Senate Judiciary Committee substitute to HB 1145 by striking line 2 of page 1 and*
 3 *inserting in lieu thereof the following:*

4 juvenile proceedings, so as to change provisions relating to disposition of certain cases in
 5 juvenile court; to change provisions relating to mental health proceedings; to

6 *By inserting after "competent;" on line 7 of page 1 the following:*

7 to provide for a short title; to change certain provisions relating to disposition for certain
 8 delinquent acts; to change provisions relating to a juvenile court judge's authority in setting
 9 a commitment disposition for certain delinquency cases; to provide for the manner in which
 10 the Department of Juvenile Justice may discharge certain juveniles; to amend Chapter 4A of
 11 Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile
 12 Justice, so as to change certain provisions relating to commitment of delinquent or unruly
 13 children and their discharge from commitment;

14 *By designating Section 1 as Part I.*

15 *By redesignating Section 2 as Section 5.*

16 *By inserting between lines 11 and 12 of page 11 the following:*

17 **PART II**
 18 **SECTION 2.**

19 This part shall be known and may be cited as the "Amy's Law."

20 **SECTION 3.**

21 Said chapter is further amended by striking Code Section 15-11-70, relating to duration and
 22 termination of orders of disposition for delinquent or unruly children and extensions of such
 23 orders, and inserting in lieu thereof the following:

24 "15-11-70.

25 (a) Except as ~~otherwise provided by law~~ in subsection (b) of this Code section, an order
 26 of disposition committing a delinquent or unruly child to the Department of Juvenile
 27 Justice continues in force for two years or until the child is sooner discharged by the

1 Department of Juvenile Justice. The court which made the order may extend its duration
2 for an additional two years subject to like discharge, if:

3 (1) A hearing is held upon motion of the Department of Juvenile Justice prior to the
4 expiration of the order;

5 (2) Reasonable notice of the factual basis of the motion and of the hearing and an
6 opportunity to be heard are given to the child and the parent, guardian, or other custodian;
7 and

8 (3) The court finds that the extension is necessary for the treatment or rehabilitation of
9 the child.

10 (b) If the court commits a delinquent child to the Department of Juvenile Justice for a
11 delinquent act which if done by an adult would be the crime of murder, then the court's
12 commitment may continue until the child's twenty-first birthday. The court shall
13 determine whether any or all of the child's commitment should include an order for
14 restrictive custody by making specific written findings of fact using the elements set forth
15 in paragraphs (1) through (5) of subsection (c) of Code Section 15-11-63. Any child
16 committed to the Department of Juvenile Justice under the provisions of this subsection
17 shall not be released from confinement or discharged from the custody of the Department
18 of Juvenile Justice unless a motion for early release is granted by the court. The court
19 which made the order of commitment may shorten the duration of its order if:

20 (1) A hearing is held prior to the expiration of the order upon motion of a party or on the
21 court's own motion;

22 (2) Reasonable notice of the factual basis of the motion and of the hearing and an
23 opportunity to be heard are given to the parties affected; and

24 (3) The court finds that the discharge is necessary to accomplish the purposes of the
25 original order and for the treatment or rehabilitation of the child.

26 ~~(b)~~(c) Except as ~~otherwise~~ provided by law, in subsection (b) of this Code section, any
27 other order of disposition in a proceeding involving delinquency or unruliness, except an
28 order involving the appointment of a guardian of the person or property of a child,
29 continues in force for not more than two years. The court may sooner terminate its order
30 or extend its duration for further periods. An order of extension may be made if:

31 (1) A hearing is held prior to the expiration of the order upon motion of a party or on the
32 court's own motion;

33 (2) Reasonable notice of the factual basis of the motion and of the hearing and
34 opportunity to be heard are given to the parties affected;

35 (3) The court finds that the extension is necessary to accomplish the purposes of the
36 order extended; and

37 (4) The extension does not exceed two years from the expiration of the prior order.

