

The House Committee on Judiciary Non-civil offers the following substitute to SB 136:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juvenile proceedings, so as to change provisions relating to children and court proceedings;
3 to change provisions relating to superior court transferring certain cases under certain
4 circumstances; to provide for bail for children alleged to be delinquent or unruly; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
9 proceedings, is amended by striking subparagraph (b)(2)(B) of Code Section 15-11-28,
10 relating to jurisdiction of juvenile court, and inserting in lieu thereof the following:

11 "(B) After indictment, the superior court may ~~after investigation,~~ upon motion of the
12 court or either party, conduct a hearing and may for extraordinary cause transfer any
13 case involving a child 13 to 17 years of age alleged to have committed any offense
14 enumerated in subparagraph (A) of this paragraph ~~which is not punishable by loss of~~
15 life, imprisonment for life without possibility of parole, or confinement for life in a
16 penal institution. Notice of the hearing, including the date, time, place, and purpose of
17 the hearing, shall be given in writing to the child and the child's parents, guardian, or
18 other custodian, at least three days before the hearing. In considering a motion to
19 transfer, the court shall consider the interests of the child and the community; the
20 child's prior involvement in juvenile proceedings; the child's age; the child's
21 psychological and physical health; and whether the child is amenable to treatment and
22 the particular circumstances of the alleged act. The court in its discretion shall
23 determine if transfer is proper. If the child has previously been charged with an offense
24 that was transferred to superior court pursuant to Code Section 15-11-30.2, then there
25 shall not be a transfer unless consented to by the parties. Any such transfer shall be
26 appealable by the State of Georgia pursuant to Code Section 5-7-1. After indictment,

1 upon consent of or stipulation by the parties, the superior court shall transfer any case
 2 involving a child 13 to 17 years of age alleged to have committed any offense
 3 enumerated in subparagraph (A) of this paragraph. Upon such a transfer by the superior
 4 court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court
 5 shall terminate. Any case transferred by the superior court to the juvenile court pursuant
 6 to this subparagraph shall be subject to the designated felony provisions of Code
 7 Section 15-11-63 and the transfer of the case from superior court to juvenile court shall
 8 constitute notice to the child that such case is subject to the designated felony
 9 provisions of Code Section 15-11-63."

10 SECTION 2.

11 Said chapter is further amended by striking subsection (d) of Code Section 15-11-47 of the
 12 Official Code of Georgia Annotated, relating to procedure on taking child into custody,
 13 detention, and bail, and inserting in lieu thereof the following:

14 "(d) *Bail.* All children subject to the jurisdiction of the juvenile court and alleged to be
 15 delinquent or unruly, ~~on application of the parent or guardian,~~ shall have the same right to
 16 bail as adults; and the judge shall admit to bail all children under the court's jurisdiction
 17 in the same manner and under the same circumstances and procedures as are applicable to
 18 adults accused of the commission of crimes. Any person having legal custody or an adult
 19 blood relative or stepparent shall be entitled to post bail but shall be required immediately
 20 to return the child to the individual or entity having legal custody of the child."

21 SECTION 3.

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