

The House Committee on Judiciary Non-civil offers the following substitute to SB 400:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 15-11-63, 15-11-66, and 17-10-11 of the Official Code of Georgia
2 Annotated, relating to designated felony acts, disposition of delinquent children, and credit
3 for time served in confinement, respectively, so as to clarify provisions relating to juveniles
4 receiving credit for time served; to extend a sunset date for secure confinement; 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 Code Section 15-11-63 of the Official Code of Georgia Annotated, relating to designated
9 felony acts, is amended by revising subparagraph (e)(1)(B) as follows:

10 "(B) The child shall initially be confined in a youth development center for a period set
11 by the order, to be not less than 12 nor more than 60 months; provided, however, that
12 time spent in secure detention ~~subsequent to the date of the order and~~ prior to placement
13 in a youth development center shall be counted toward the period set by the order; and;
14 provided, further, that; where the order of the court is made in compliance with
15 subsection (f) of this Code section, the child shall initially be confined in a youth
16 development center for 18 months;"

17 **SECTION 2.**

18 Code Section 15-11-66 of the Official Code of Georgia Annotated, relating to disposition of
19 a delinquent child, is amended by revising paragraph (1) of subsection (b) as follows:

20 "(b)(1) At the conclusion of the dispositional hearing provided in subsection (a) of Code
21 Section 15-11-65, if the child is found to have committed a delinquent act, the court may,
22 in addition to any other treatment or rehabilitation, suspend the driver's license of such
23 child for any period not to exceed the date on which the child becomes 18 years of age
24 or, in the case of a child who does not have a driver's license, prohibit the issuance of a
25 driver's license to such child for any period not to exceed the date on which the child

26 becomes 18 years of age. The court shall retain the driver's license for a period of
 27 suspension and return it to the offender at the end of such period. The court shall notify
 28 the Department of Driver Services of any such actions taken pursuant to this subsection.
 29 If the child is adjudicated for the commission of a delinquent act, the court may in its
 30 discretion in those cases involving: (A) a violation of probation involving another
 31 adjudicated delinquent act and upon the court making a finding of fact that the child has
 32 failed to respond to the graduated alternative sanctions set forth in paragraph (2) of this
 33 subsection; (B) an offense that would be a felony if committed by an adult; or (C) an
 34 offense that would be a misdemeanor of a high and aggravated nature if committed by
 35 an adult and involving bodily injury or harm or substantial likelihood of bodily injury or
 36 harm, in addition to any other treatment or rehabilitation, order the child to serve up to
 37 a maximum of 30 days in a youth development center, or after assessment and with the
 38 court's approval, in a treatment program provided by the Department of Juvenile Justice
 39 or the juvenile court. A child ordered to a youth development center under this paragraph
 40 and detained in a secured facility pending placement in the youth development center
 41 shall be given credit for time served in the secured facility awaiting placement. On and
 42 after July 1, ~~2011~~ 2013, the maximum number of days that the court may order a child
 43 to serve in a youth development center under this paragraph shall be increased to 60
 44 days."

45 SECTION 3.

46 Code Section 17-10-11 of the Official Code of Georgia Annotated, relating to credit for time
 47 served in confinement, is amended by revising subsection (b) as follows:

48 "(b) This Code section applies to sentences for all crimes, whether classified as violations,
 49 misdemeanors, or felonies, and to all courts having criminal jurisdiction located within the
 50 boundaries of this state, ~~except juvenile courts.~~"

51 SECTION 4.

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