

Senate Bill 246

By: Senators Balfour of the 9th, Hawkins of the 49th, Unterman of the 45th and Johnson of the 1st

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 5 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia
2 Annotated, relating to arrest and detention, so as to provide notice of the release of a child
3 from detention under certain circumstances; to provide for definitions; to provide for related
4 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 5 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
8 relating to arrest and detention, is amended by adding a new Code section to read as follows:
9 "15-11-51.

10 (a) As used in this Code section, the term:

11 (1) 'Notice' shall have the same meaning as set forth in Code Section 17-17-3.

12 (2) 'Victim' shall have the same meaning as set forth in Code Section 17-17-3.

13 (3) 'Violent delinquent act' means the commission, attempt to commit, conspiracy to
14 commit, or solicitation of another to commit a delinquent act which if committed by an
15 adult would constitute:

16 (A) A serious violent felony as defined by Code Section 17-10-6.1;

17 (B) A designated felony as defined by Code Section 15-11-63;

18 (C) Stalking or aggravated stalking as provided by Article 7 of Chapter 5 of Title 16;
19 or

20 (D) Any attempt to commit, conspiracy to commit, or solicitation of another to commit
21 an offense enumerated in subparagraphs (A) through (C) of this paragraph.

22 (b) If a child accused of a violent delinquent act is detained pending adjudication as
23 provided by Code Sections 15-11-46.1 and 15-11-47, the Department of Juvenile Justice
24 shall provide notice to the victim that such child is to be released from detention not less
25 than 24 hours prior to such child's release from detention.

26 (c) Not less than 48 hours prior to the release from detention of a child who has been
27 adjudicated to have committed a violent delinquent act, the Department of Juvenile Justice
28 shall provide notice to the victim of such pending release.

29 (d) Notification need not be given unless the victim has expressed a desire for such
30 notification and has provided the Department of Juvenile Justice with a current address and
31 telephone number. It shall be the duty of the Department of Juvenile Justice to advise the
32 victim of his or her right to notification and of the requirement of the victim's providing a
33 landline telephone number other than a pocket pager or electronic communication device
34 number to which such notification shall be directed."

35 **SECTION 2.**

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

38 **SECTION 3.**

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