

The House Committee on Judiciary Non-civil offers the following substitute to SB 246:

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 juvenile court intake officer shall  
24 provide notice to the victim, whenever practicable, that such child is to be released from  
25 detention not less 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 juvenile court intake officer  
28 shall, whenever practicable, 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 juvenile court intake officer with a current address and  
31 telephone number. It shall be the duty of the juvenile court intake officer to advise the  
32 victim of his or her right to notification and of the requirement of the victim's providing a  
33 primary and personal telephone number to which such notification shall be directed."

34 **SECTION 2.**

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

37 **SECTION 3.**

38 All laws and parts of laws in conflict with this Act are repealed.