

House Bill 1144

By: Representatives Oliver of the 83rd, Willard of the 49th, Ramsey of the 72nd, and Lindsey of the 54th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 11 of Title 15 and Code Section 17-10-11 of the Official Code of Georgia
2 Annotated, relating to juvenile proceedings and credit for time served in confinement,
3 respectively, so as to change certain provisions relating to detention of juveniles; to clarify
4 provisions relating to payment of certain expenses by the county; to clarify provisions
5 relating to credit for time served for juveniles adjudicated for designated felonies; to clarify
6 provisions relating to juveniles receiving credit for time served; to correct a
7 cross-reference; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
12 proceedings, is amended by revising Code Section 15-11-8, relating to expenses charged to
13 the county, as follows:

14 "15-11-8.

15 (a) The following expenses shall be a charge upon the funds of the county upon
16 certification thereof by the court:

17 (1) The cost of medical and other examinations and treatment of a child ordered by the
18 court;

19 (2) The cost of care and support of a child committed by the court to the legal custody
20 of an individual or a public or private agency other than the Department of Juvenile
21 Justice, but the court may order supplemental payments, if such are necessary or
22 desirable;

23 (3) Reasonable compensation for services and related expenses of counsel appointed by
24 the court, where appointed by the court to represent the child and when appointed by the
25 court to conduct the proceedings;

26 (4) Reasonable compensation for a guardian ad litem;

(5) The expense of service of summons, notices, and subpoenas, travel expenses of witnesses, transportation, subsistence, and detention of the child, and other like expenses incurred in the proceedings under this chapter; and

(6) Except as provided by subsection (b) of this Code section, the expense of subsistence; and

(7) The cost of counseling and counsel and advice required or provided under the provisions of Code Sections 15-11-57 and 15-11-68.

(b) For a child placed by the court into the custody of the Department of Juvenile Justice but who is not committed to the department's custody, the following expenses shall be a charge upon the funds of the county upon certification by the department of such costs, with supporting documentation:

(1) The cost of medical examinations and treatment;

(2) The cost of mental health examinations and treatment; and

(3) The cost of dental examinations and treatment.

(c) If, after due notice to the parents or other persons legally obligated to care for and support the child and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs and expenses stated in subsection (a) or (b) of this Code section, the court may order them to pay the same and prescribe the manner of payment. In addition, the court may order payment from the parents or other legally obligated persons to reimburse all or part of the costs and expenses of the Department of Human Services for treatment, care, and support of the child. Unless otherwise ordered, payment shall be made to the clerk of the court for remittance to the person or agency, including the Department of Human Services, to whom compensation is due or, if the costs and expenses have been paid by the county, to the appropriate officer of the county."

SECTION 2.

Said chapter is further amended by revising subparagraph (e)(1)(B) of Code Section 15-11-63, relating to designated felony acts, as follows:

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

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SECTION 3.

63 Said chapter is further amended by revising subsection (b) of Code Section 15-11-71, relating
64 to supervision fees, as follows:

65 "(b) The juvenile court may order each delinquent or unruly child who receives supervision
66 under paragraph (2), (5), or (6) of subsection (a) of Code Section 15-11-66 or Code Section
67 15-11-67 or counsel and advice pursuant to Code Section 15-11-69 to pay:

68 (1) An initial court supervision user's fee of not less than \$10.00 nor more than \$200.00;
69 and

70 (2) A court supervision user's fee of not less than \$2.00 nor more than \$30.00 for each
71 month that the child receives supervision

72 to the clerk of the court. The child and each parent, guardian, or legal custodian of the
73 child may be jointly and severally liable for the payment of the fee and shall be subject to
74 the enforcement procedure stated in subsection (b)(c) of Code Section 15-11-8. The judge
75 shall attempt to provide that any such fees shall be imposed on such terms and conditions
76 as shall assure that the funds for the payment are from moneys earned by the child. All
77 moneys collected by the clerk under this subsection shall be transferred to the county
78 treasurer, or such other county official or employee who performs duties previously
79 performed by said treasurer, who shall deposit the moneys into a county supplemental
80 juvenile services fund. The governing authority of the county shall appropriate moneys
81 from the county supplemental juvenile services fund to the juvenile court for the court's
82 discretionary use in providing supplemental community based services described in
83 subsection (a) of this Code section to offenders who are children. These funds shall be
84 administered by the county and the court may draw upon them by submitting invoices to
85 the county. The county supplemental juvenile services fund may be used only for these
86 services. Any moneys remaining in the fund at the end of the county fiscal year shall not
87 revert to any other fund but shall continue in the county supplemental juvenile services
88 fund. The county supplemental juvenile services fund may not be used to replace other
89 funding of services."

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SECTION 4.

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

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

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SECTION 5.

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