

Senate Bill 366

By: Senators Grant of the 25th, Hamrick of the 30th, Crosby of the 13th, Carter of the 1st and Albers of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the
2 Department of Juvenile Justice, so as to revise restrictions regarding possession of
3 contraband at juvenile detention centers; to amend Code Section 16-15-3 of the Official Code
4 of Georgia Annotated, relating to definitions in the 'Georgia Street Gang Terrorism and
5 Prevention Act,' so as to provide for a cross-reference; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department
10 of Juvenile Justice, is amended by revising Code Section 49-4A-11, relating to aiding escape,
11 harboring, or hindering apprehension of juvenile under custody of the department, as follows:
12 "49-4A-11.

13 (a) Any person who shall knowingly aid, assist, or encourage any child or youth who has
14 been committed to the department to escape or to attempt to escape its control or custody
15 shall be guilty of a felony and, upon conviction thereof, shall be ~~imprisoned~~ punished by
16 imprisonment for not less than one nor more than five years.

17 (b) Any person who shall knowingly harbor or shelter any child or youth who has escaped
18 the lawful custody or control of the department shall be guilty of a felony and, upon
19 conviction thereof, shall be ~~imprisoned~~ punished by imprisonment for not less than one nor
20 more than five years.

21 (c) Any person who shall knowingly hinder the apprehension of any child under the lawful
22 control or custody of the department who has been placed by the department in one of its
23 institutions or facilities and who has escaped therefrom or who has been placed under
24 supervision and is alleged to have broken the conditions thereof shall be guilty of a felony
25 and, upon conviction thereof, shall be ~~imprisoned~~ punished by imprisonment for not less
26 than one nor more than five years.

27 ~~(d) Any person who shall knowingly provide to any child under the lawful control or~~
 28 ~~custody of the department a gun, pistol, or any other weapon, any intoxicating liquor, any~~
 29 ~~controlled substance listed in Code Section 16-13-27 as a Schedule III controlled~~
 30 ~~substance, listed in Code Section 16-13-28 as a Schedule IV controlled substance, or listed~~
 31 ~~in Code Section 16-13-29 as a Schedule V controlled substance, or an immediate precursor~~
 32 ~~of any such controlled substance, or any dangerous drug as defined by Code Section~~
 33 ~~16-13-71, regardless of the amount, or any other harmful, hazardous, or illegal article or~~
 34 ~~item which may be injurious to department personnel without the consent of the director~~
 35 ~~of the institution providing care and supervision to the child shall be guilty of a felony and,~~
 36 ~~upon conviction thereof, shall be imprisoned for not less than one nor more than five years.~~
 37 ~~(e) Any child who shall knowingly possess a gun, pistol, or any other weapon, any~~
 38 ~~intoxicating liquor, any controlled substance listed in Code Section 16-13-27 as a Schedule~~
 39 ~~III controlled substance, listed in Code Section 16-13-28 as a Schedule IV controlled~~
 40 ~~substance, or listed in Code Section 16-13-29 as a Schedule V controlled substance, or an~~
 41 ~~immediate precursor of any such controlled substance, or any dangerous drug as defined~~
 42 ~~by Code Section 16-13-71, regardless of the amount, or any other harmful, hazardous, or~~
 43 ~~illegal article or item which may be injurious to department personnel given to said child~~
 44 ~~in violation of subsection (d) of this Code section while under the lawful custody or control~~
 45 ~~of the department shall cause the department to file a delinquency petition in the court~~
 46 ~~having jurisdiction; provided, however, if such person is 17 or older and is under the lawful~~
 47 ~~custody or control of the department, such person shall be guilty of a felony and, upon~~
 48 ~~conviction thereof, shall be imprisoned for not less than one nor more than five years."~~

49 **SECTION 2.**

50 Said chapter is further amended by adding a new Code Section 49-4A-15 to read as follows:

51 "49-4A-15.

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

53 (1) 'Contraband' means any:

54 (A) Weapon;

55 (B) Bullets or ammunition;

56 (C) Explosive device;

57 (D) Telecommunications device;

58 (E) Intoxicating liquor;

59 (F) Tobacco or tobacco product;

60 (G) Controlled substance as defined in Code Section 16-13-21 and shall include
 61 marijuana and dangerous drugs; or

62 (H) Currency.

63 (2) 'Dangerous drug' shall have the same meaning as set forth in Code Section 16-13-71.

64 (3) 'Director' means the commissioner, the director of a juvenile detention center or his
 65 or her designee, or any other person who is responsible for the overall management and
 66 operation of a juvenile detention center.

67 (4) 'Juvenile detention center' means a regional youth detention center or youth
 68 development center operated by or on behalf of the department.

69 (5) 'Marijuana' shall have the same meaning as set forth in Code Section 16-13-21.

70 (6) 'Telecommunications device' means a device, an apparatus associated with a device,
 71 or a component of a device that enables, or may be used to enable, communication with
 72 a person or device outside a juvenile detention center, including, but not limited to, a
 73 telephone, cellular telephone, personal digital assistant, transmitting radio, or computer
 74 connected or capable of being connected to a computer network, by wireless or other
 75 technology, or otherwise capable of communicating with a person or device outside of
 76 a juvenile detention center.

77 (7) 'Weapon' means any object, device, or instrument which when used against a person
 78 is likely to or actually does result in serious bodily injury or death or any replica, article,
 79 or device having the appearance of such object, device, or instrument.

80 (b) Without authorization of a director, no person shall:

81 (1) Come onto the grounds of a juvenile detention center with any contraband;

82 (2) Possess any contraband on the grounds of any juvenile detention center;

83 (3) Sell to, buy from, give or provide to, barter for, exchange, or trade any contraband
 84 with any youth assigned to a juvenile detention center; or

85 (4) Give any youth assigned to a juvenile detention center any other article or item.

86 (c) Any person who violates subsection (b) of this Code section shall be guilty of a felony
 87 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor
 88 more than five years."

89 **SECTION 3.**

90 Code Section 16-15-3 of the Official Code of Georgia Annotated, relating to definitions in
 91 the 'Georgia Street Gang Terrorism and Prevention Act,' is amended by revising
 92 subparagraph (1)(G) as follows:

93 "(G) Any offense defined in Code Section 49-4A-11, relating to aiding or encouraging
 94 a child to escape from custody or 49-4A-15;

95 **SECTION 4.**

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