

The Senate Public Safety Committee offered the following substitute to SB 366:

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 provide for related matters; to provide for an
4 effective date and applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

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

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

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

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

25 ~~(d) Any person who shall knowingly provide to any child under the lawful control or~~
26 ~~custody of the department a gun, pistol, or any other weapon, any intoxicating liquor, any~~

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

47 SECTION 2.

48 Said chapter is further amended by adding new Code sections to read as follows:

49 "49-4A-15.

50 Guard lines shall be established by the commissioner or his or her designated representative
 51 in charge at the various juvenile detention centers and youth development centers in the
 52 same manner that land lines are established, except that, at each corner of the lines, signs
 53 must be used on which shall be plainly stamped or written: 'Guard line of _____.' Signs
 54 shall also be placed at all entrances and exits for vehicles and pedestrians at the institutions
 55 and at such intervals along the guard lines as will reasonably place all persons approaching
 56 the guard lines on notice of the location of the institutions.

57 49-4A-16.

58 (a) It shall be unlawful for any person to cause to be introduced across the guard lines
 59 established at any juvenile detention center or youth development center or to come inside
 60 such guard lines with:

61 (1) A gun, pistol, knife, or any other weapon or a bullet, ammunition, or explosive
 62 device; or

63 (2) Any intoxicating liquor, amphetamines, biphetamines, marijuana, or any other
 64 hallucinogenic or other drugs.

65 (b) The provisions of this Code section shall not apply where the commissioner or director
 66 of the center has provided authorization for the introduction of the items listed in
 67 subsection (a) of this Code section into the center.

68 (c) Any person who violates this Code section shall be guilty of a felony and, upon
 69 conviction thereof, shall be punished by imprisonment for not less than one year nor more
 70 than four years.

71 49-4A-17.

72 (a) It shall be unlawful for any person to take into or cause to be introduced into any
 73 juvenile detention center or youth development center any item which such person has been
 74 directed not to take into such center either verbally or in writing by a staff member of such
 75 center or as directed by the rules, regulations, or policies of the center without the
 76 knowledge and consent of the commissioner or the director in charge of such center. Any
 77 item taken into a center in violation of this subsection shall be deemed contraband and
 78 subject to being confiscated and retained as property of the department. A violation of this
 79 subsection shall be a felony and, upon conviction thereof, shall be punished by
 80 imprisonment for not less than one year nor more than four years.

81 (b) It shall be unlawful for any person to trade or traffic with, buy from, or sell any article
 82 to a youth assigned to a juvenile detention center or youth development center without the
 83 knowledge and consent of the commissioner or the director in charge of such center. A
 84 violation of this subsection shall be a felony and, upon conviction thereof, shall be
 85 punished by imprisonment for not less than one year nor more than four years.

86 49-4A-18.

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

88 (1) 'Director' means the commissioner or any director of a juvenile detention center or
 89 his or her designee, or any other person who is responsible for the overall management
 90 and operation of a center.

91 (2) 'Juvenile detention center' means a regional youth detention center or youth
 92 development center operated by or on behalf of the department.

93 (3) 'Telecommunications device' means a device, an apparatus associated with a device,
 94 or a component of a device that enables, or may be used to enable, communication with
 95 a person outside a place of incarceration, including a telephone, cellular telephone,

96 personal digital assistant, transmitting radio, or computer connected or capable of being
97 connected to a computer network, by wireless or other technology, or otherwise capable
98 of communicating with a person or device outside of a place of incarceration.

99 (4) 'Youth' means an offender assigned to a juvenile detention center.

100 (b) It shall be unlawful for any person to obtain for, to procure for, or to give to a youth
101 a gun, pistol, knife, or any other weapon; a bullet, ammunition, or any other explosive
102 device; tobacco products; intoxicating liquor; marijuana, amphetamines, biphetamines, or
103 any other hallucinogenic drugs or other drugs, regardless of the amount; any
104 telecommunications device; or any other article or item without the authorization of the
105 director.

106 (c) It shall be unlawful for a youth to possess a gun, pistol, knife, or any other weapon; a
107 bullet, ammunition, or any other explosive device; tobacco products; intoxicating liquor;
108 marijuana, amphetamines, biphetamines, or any other hallucinogenic drugs or other drugs,
109 regardless of the amount; any telecommunications device; or any other article or item
110 without the authorization of the director.

111 (d) A person who commits or attempts to commit a violation of this Code section shall be
112 guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one
113 nor more than four years."

114 **SECTION 3.**

115 This Act shall become effective on July 1, 2012, and shall apply to offenses committed on
116 or after such date.

117 **SECTION 4.**

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