

The House Committee on Judiciary Non-civil offers 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~~

~~27 controlled substance listed in Code Section 16-13-27 as a Schedule III controlled~~
~~28 substance, listed in Code Section 16-13-28 as a Schedule IV controlled substance, or listed~~
~~29 in Code Section 16-13-29 as a Schedule V controlled substance, or an immediate precursor~~
~~30 of any such controlled substance, or any dangerous drug as defined by Code Section~~
~~31 16-13-71, regardless of the amount, or any other harmful, hazardous, or illegal article or~~
~~32 item which may be injurious to department personnel without the consent of the director~~
~~33 of the institution providing care and supervision to the child shall be guilty of a felony and,~~
~~34 upon conviction thereof, shall be imprisoned for not less than one nor more than five years.~~
~~35 (e) Any child who shall knowingly possess a gun, pistol, or any other weapon, any~~
~~36 intoxicating liquor, any controlled substance listed in Code Section 16-13-27 as a Schedule~~
~~37 III controlled substance, listed in Code Section 16-13-28 as a Schedule IV controlled~~
~~38 substance, or listed in Code Section 16-13-29 as a Schedule V controlled substance, or an~~
~~39 immediate precursor of any such controlled substance, or any dangerous drug as defined~~
~~40 by Code Section 16-13-71, regardless of the amount, or any other harmful, hazardous, or~~
~~41 illegal article or item which may be injurious to department personnel given to said child~~
~~42 in violation of subsection (d) of this Code section while under the lawful custody or control~~
~~43 of the department shall cause the department to file a delinquency petition in the court~~
~~44 having jurisdiction, provided, however, if such person is 17 or older and is under the lawful~~
~~45 custody or control of the department, such person shall be guilty of a felony and, upon~~
~~46 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) As used in this Code section, the term 'guard lines' means the lines established pursuant
 59 to Code Section 49-4A-15.

60 (b) It shall be unlawful for any person to cause to be introduced across guard lines or to
 61 come inside such guard lines with:

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

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

66 (c) The provisions of this Code section shall not apply when the commissioner or director
67 of the juvenile detention center or youth development center has provided authorization for
68 the introduction of the items listed in subsection (b) of this Code section into such center.

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

72 49-4A-17.

73 (a)(1) Without the knowledge and consent of the commissioner or the director in charge
74 of any juvenile detention center or youth development center, it shall be unlawful for any
75 person to take into or cause to be introduced into such center any item which such person
76 has been directed not to take into such center:

77 (A) Verbally by a staff member of such center;

78 (B) In writing by a staff member of such center; or

79 (C) As directed by the rules, regulations, or policies of such center.

80 (2) Any item taken into a center in violation of this subsection shall be deemed
81 contraband and shall be subject to being confiscated and retained as property of the
82 department.

83 (3) Any person who violates this subsection shall be guilty of a felony and, upon
84 conviction thereof, shall be punished by imprisonment for not less than one year nor more
85 than four years.

86 (b) It shall be unlawful for any person to trade or traffic with, buy from, or sell any article
87 to a youth assigned to a juvenile detention center or youth development center without the
88 knowledge and consent of the commissioner or the director in charge of such center. Any
89 person who violates this subsection shall be guilty of a felony and, upon conviction thereof,
90 shall be punished by imprisonment for not less than one year nor more than four years.

91 49-4A-18.

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

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

- 96 (2) 'Juvenile detention center' means a regional youth detention center or youth
 97 development center operated by or on behalf of the department.
- 98 (3) 'Telecommunications device' means a device, an apparatus associated with a device,
 99 or a component of a device that enables, or may be used to enable, communication with
 100 a person outside a place of incarceration, including, but not limited to, a telephone,
 101 cellular telephone, personal digital assistant, transmitting radio, or computer connected
 102 or capable of being connected to a computer network, by wireless or other technology,
 103 or otherwise capable of communicating with a person or device outside of a place of
 104 incarceration.
- 105 (4) 'Youth' means an offender assigned to a juvenile detention center.
- 106 (b) Without the authorization of the director, it shall be unlawful for any person to obtain
 107 for, to procure for, or to give to a youth a gun, pistol, knife, or any other weapon; a bullet,
 108 ammunition, or any other explosive device; tobacco products; intoxicating liquor;
 109 marijuana, amphetamines, or any other hallucinogenic drugs or other drugs, regardless of
 110 the amount; any telecommunications device; or any other article or item.
- 111 (c) Without the authorization of the director, it shall be unlawful for a youth to possess a
 112 gun, pistol, knife, or any other weapon; a bullet, ammunition, or any other explosive
 113 device; tobacco products; intoxicating liquor; marijuana, amphetamines, or any other
 114 hallucinogenic drugs or other drugs, regardless of the amount; any telecommunications
 115 device; or any other article or item.
- 116 (d) Any person who violates this Code section shall be guilty of a felony and, upon
 117 conviction thereof, shall be punished by imprisonment for not less than one year nor more
 118 than four years."

119 **SECTION 3.**

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

122 **SECTION 4.**

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