

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

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 15-11-66 and Chapter 4A of Title 49 of the Official Code of Georgia
2 Annotated, relating to the disposition of delinquent children and the Department of Juvenile
3 Justice, respectively, so as to change provisions relating to detention of juveniles; to revise
4 restrictions regarding possession of contraband at juvenile detention centers; to provide for
5 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
6 and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

8
9 Code Section 15-11-66 of the Official Code of Georgia Annotated, relating to the disposition
10 of delinquent children, is amended by revising subparagraph (b)(2)(B) as follows:

11 "(B) A child ordered to a youth development center under this paragraph and detained
12 in a secured facility pending placement in the youth development center shall be given
13 credit for time served in the secured facility awaiting placement. ~~On and after July 1,~~
14 ~~2013, the maximum number of days that the court may order a child to serve in a youth~~
15 ~~development center under this paragraph shall be increased to 60 days."~~

SECTION 1A.

16
17 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department
18 of Juvenile Justice, is amended by revising Code Section 49-4A-11, relating to aiding escape,
19 harboring, or hindering apprehension of juvenile under custody of the department, as follows:

20 "49-4A-11.

21 (a) Any person who shall knowingly aid, assist, or encourage any child or youth who has
22 been committed to the department to escape or to attempt to escape its control or custody

23 shall be guilty of a felony and, upon conviction thereof, shall be ~~imprisoned~~ punished by
 24 imprisonment for not less than one nor more than five years.

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

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

35 ~~(d) Any person who shall knowingly provide to any child under the lawful control or~~
 36 ~~custody of the department a gun, pistol, or any other weapon, any intoxicating liquor, any~~
 37 ~~controlled substance listed in Code Section 16-13-27 as a Schedule III controlled~~
 38 ~~substance, listed in Code Section 16-13-28 as a Schedule IV controlled substance, or listed~~
 39 ~~in Code Section 16-13-29 as a Schedule V controlled substance, or an immediate precursor~~
 40 ~~of any such controlled substance, or any dangerous drug as defined by Code Section~~
 41 ~~16-13-71, regardless of the amount, or any other harmful, hazardous, or illegal article or~~
 42 ~~item which may be injurious to department personnel without the consent of the director~~
 43 ~~of the institution providing care and supervision to the child shall be guilty of a felony and,~~
 44 ~~upon conviction thereof, shall be imprisoned for not less than one nor more than five years.~~

45 ~~(e) Any child who shall knowingly possess a gun, pistol, or any other weapon, any~~
 46 ~~intoxicating liquor, any controlled substance listed in Code Section 16-13-27 as a Schedule~~
 47 ~~III controlled substance, listed in Code Section 16-13-28 as a Schedule IV controlled~~
 48 ~~substance, or listed in Code Section 16-13-29 as a Schedule V controlled substance, or an~~
 49 ~~immediate precursor of any such controlled substance, or any dangerous drug as defined~~
 50 ~~by Code Section 16-13-71, regardless of the amount, or any other harmful, hazardous, or~~
 51 ~~illegal article or item which may be injurious to department personnel given to said child~~
 52 ~~in violation of subsection (d) of this Code section while under the lawful custody or control~~
 53 ~~of the department shall cause the department to file a delinquency petition in the court~~
 54 ~~having jurisdiction; provided, however, if such person is 17 or older and is under the lawful~~
 55 ~~custody or control of the department, such person shall be guilty of a felony and, upon~~
 56 ~~conviction thereof, shall be imprisoned for not less than one nor more than five years."~~

57 **SECTION 2.**

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

59 "49-4A-15.
 60 Guard lines shall be established by the commissioner or his or her designated representative
 61 in charge at the various juvenile detention centers and youth development centers in the
 62 same manner that land lines are established, except that, at each corner of the lines, signs
 63 must be used on which shall be plainly stamped or written: 'Guard line of _____.' Signs
 64 shall also be placed at all entrances and exits for vehicles and pedestrians at the institutions
 65 and at such intervals along the guard lines as will reasonably place all persons approaching
 66 the guard lines on notice of the location of the institutions.

67 49-4A-16.

68 (a) As used in this Code section, the term 'guard lines' means the lines established pursuant
 69 to Code Section 49-4A-15.

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

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

74 (2) Any intoxicating liquor, amphetamines, marijuana, or any other hallucinogenic or
 75 other drugs.

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

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

82 49-4A-17.

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

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

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

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

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

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

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

101 49-4A-18.

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

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

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

108 (3) 'Telecommunications device' means a device, an apparatus associated with a device,
109 or a component of a device that enables, or may be used to enable, communication with
110 a person outside a place of incarceration, including, but not limited to, a telephone,
111 cellular telephone, personal digital assistant, transmitting radio, or computer connected
112 or capable of being connected to a computer network, by wireless or other technology,
113 or otherwise capable of communicating with a person or device outside of a place of
114 incarceration.

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

116 (b) Without the authorization of the director, it shall be unlawful for any person to obtain
117 for, to procure for, or to give to a youth a gun, pistol, knife, or any other weapon; a bullet,
118 ammunition, or any other explosive device; tobacco products; intoxicating liquor;
119 marijuana, amphetamines, or any other hallucinogenic drugs or other drugs, regardless of
120 the amount; any telecommunications device; or any other article or item.

121 (c) Without the authorization of the director, it shall be unlawful for a youth to possess a
122 gun, pistol, knife, or any other weapon; a bullet, ammunition, or any other explosive
123 device; tobacco products; intoxicating liquor; marijuana, amphetamines, or any other
124 hallucinogenic drugs or other drugs, regardless of the amount; any telecommunications
125 device; or any other article or item.

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

129 **SECTION 3.**

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

132 **SECTION 4.**

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