

Senate Bill 69

By: Senators Murphy of the 27th, Crosby of the 13th, Mullis of the 53rd, Chance of the 16th, Carter of the 42nd and others

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 provide for confidentiality of information supplied
3 by certain children; to provide for penalties for a breach of confidentiality; to provide for
4 confidentiality of investigations; to amend Code Section 15-11-84 of the Official Code of
5 Georgia Annotated, relating to sharing confidential information between governmental
6 agencies, so as to provide a cross-reference; to provide for related matters; to provide for an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department
11 of Juvenile Justice, is amended by adding a new Code section to read as follows:

12 "49-4A-19.

13 (a) Officials and employees of the department shall respect the confidential nature of
14 information supplied by children under the supervision of the department or committed to
15 the department who cooperate in remedying abuses and wrongdoing in the juvenile justice
16 system. Any official or employee who breaks such a confidence and thereby subjects a
17 cooperating child to physical jeopardy or harassment shall be subject to suspension or
18 discharge.

19 (b) Investigation reports and intelligence data generated pursuant to subsection (a) of this
20 Code section and prepared by the department shall be classified as confidential state secrets
21 and shall not be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50, unless
22 declassified in writing by the commissioner."

23 **SECTION 2.**

24 Code Section 15-11-84 of the Official Code of Georgia Annotated, relating to sharing
25 confidential information between governmental agencies, is amended by revising subsection
26 (b) as follows:

27 "(b) Governmental entities and state, county, municipal, or consolidated government
28 departments, boards, or agencies shall exchange with each other all information not held
29 as confidential pursuant to federal law and relating to a child which may aid a
30 governmental entity in the assessment, treatment, intervention, or rehabilitation of a child,
31 notwithstanding Code Section 15-1-15 or 15-11-9.1, subsection (d) of Code Section
32 15-11-10, or Code Section 15-11-66.1, 15-11-75, 15-11-81, 15-11-82, 15-11-174,
33 20-2-751.2, 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17, 31-5-5,
34 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, 42-8-106, 49-4A-19, 49-5-40, 49-5-41,
35 49-5-41.1, 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve
36 the best interest of the child. Information which is shared pursuant to this subsection shall
37 not be utilized to assist in the prosecution of the child in juvenile court or superior court or
38 utilized to the detriment of the child."

39 **SECTION 3.**

40 This Act shall become effective upon its approval by the Governor or upon its becoming law
41 without such approval.

42 **SECTION 4.**

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