

The Senate Judiciary Non-Civil Committee offered the following substitute to SB 69:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, so as to provide for confidentiality of information supplied by certain children; to provide for penalties for a breach of confidentiality; to amend Code Section 15-11-84 of the Official Code of Georgia Annotated, relating to sharing confidential information between governmental agencies, so as to provide a cross-reference; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"49-4A-19.

(a) As used in this Code section, the term 'children' means children under the supervision of the department or committed to the department.

(b) The identity of children and the information provided by children who report abuses or wrongdoing in the juvenile justice system shall not be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50 nor otherwise disclosed by officials or employees of the department except upon the written request of the child, or a representative of such child, who reported the abuse or wrongdoing.

(c) Any official or employee who violates this Code section shall be subject to suspension or discharge.

(d) At least annually, the commissioner shall issue a public report summarizing the number of reports of abuse or wrongdoing received and the general nature of such reports."

SECTION 2.

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

"(b) Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall exchange with each other all information not held as confidential pursuant to federal law and relating to a child which may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation of a child, notwithstanding Code Section 15-1-15 or 15-11-9.1, subsection (d) of Code Section 15-11-10, or Code Section 15-11-66.1, 15-11-75, 15-11-81, 15-11-82, 15-11-174, 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, 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, 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 the best interest of the child. Information which is shared pursuant to this subsection shall not be utilized to assist in the prosecution of the child in juvenile court or superior court or utilized to the detriment of the child."

SECTION 3.

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

SECTION 4.

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