

The Senate Committee on Judiciary Non-Civil offers the following substitute to HB 263:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6A of Title 35, Chapter 11 of Title 15, Article 2 of Chapter 13 of Title 19,
2 and Title 49 of the Official Code of Georgia Annotated, relating to the Criminal Justice
3 Coordinating Council, the Juvenile Code, family violence shelters, and social services,
4 respectively, so as to allow the Criminal Justice Coordinating Council to receive and
5 distribute federal Department of Justice grants; to provide for an advisory board to the
6 council for juvenile justice issues; to provide for the membership of the board; to provide for
7 the board's duties; to provide that certain entities and agencies share information with the
8 council; to remove the responsibility and duties of the Department of Human Resources for
9 such shelters and require the Criminal Justice Coordinating Council to have such
10 responsibility and duties; to provide for related matters; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Chapter 6A of Title 35 of the Official Code of Georgia Annotated, relating to the Criminal
14 Justice Coordinating Council, is amended by revising Code Section 35-6A-7, relating to the
15 functions and the authority of the council, as follows:
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17 "35-6A-7.

18 The council is vested with the following functions and authority:

19 (1) To cooperate with and secure cooperation of every department, agency, or
20 instrumentality in the state government or its political subdivisions in the furtherance of
21 the purposes of this chapter;

22 (2) To prepare, publish in print or electronically, and disseminate fundamental criminal
23 justice information of a descriptive and analytical nature to all components of the
24 criminal justice system of this state, including law enforcement agencies, the courts,
25 juvenile justice agencies, and correctional agencies;

- 26 (3) To serve as the state-wide clearing-house for criminal justice information and
 27 research;
- 28 (4) To maintain a research program in order to identify and define significant criminal
 29 justice problems and issues and effective solutions and to publish in print or
 30 electronically special reports as needed;
- 31 (5) In coordination and cooperation with all components of the criminal justice system
 32 of this state, to develop criminal justice legislative proposals and executive policy
 33 proposals reflective of the priorities of the entire criminal justice system of this state;
- 34 (6) To serve in an advisory capacity to the Governor on issues impacting the criminal
 35 justice system of this state;
- 36 (7) To coordinate high visibility criminal justice research projects and studies with a
 37 state-wide impact, which studies and projects cross traditional system component lines;
- 38 (8) To convene periodically state-wide criminal justice conferences involving key
 39 executives in the criminal justice system of this state and elected officials for the purpose
 40 of developing, prioritizing, and publicizing a policy agenda for the criminal justice
 41 system of this state;
- 42 (9) To provide for the interaction, communication, and coordination of all components
 43 of the criminal justice system of this state for the purpose of improving this state's
 44 response to crime and its effects;
- 45 (10) To administer gifts, grants, and donations for the purpose of carrying out this
 46 chapter;
- 47 (11) To promulgate rules governing the approval of victim assistance programs as
 48 provided for in Article 8 of Chapter 21 of Title 15; and
- 49 (12) To supervise the preparation, administration, and implementation of the three-year
 50 juvenile justice plan as provided by this chapter; and
- 51 ~~(12)~~(13) To do any and all things necessary and proper to enable it to perform wholly
 52 and adequately its duties and to exercise the authority granted to it."

53 SECTION 2.

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

55 "35-6A-11.

56 (a) There is established an advisory board to the council which shall consist of at least 15
 57 and not more than 33 members appointed by the Governor who have training, experience,
 58 or special knowledge concerning the prevention and treatment of juvenile delinquency, the
 59 administration of juvenile justice, or the reduction of juvenile delinquency and shall be
 60 composed of:

- 61 (1) At least three members of the council, two of whom are not full-time government
62 employees or elected officials;
- 63 (2) At least one locally elected official representing general purpose local government;
- 64 (3) Representatives of law enforcement and juvenile justice agencies, including juvenile
65 and family court judges, prosecuting attorneys, attorneys for children and youth, and
66 probation workers;
- 67 (4) Representatives of public agencies concerned with delinquency prevention or
68 treatment, such as welfare, social services, mental health, education, special education,
69 recreation, and youth services;
- 70 (5) Representatives of private nonprofit organizations, including individuals with a
71 special focus on preserving and strengthening families, parent groups and parent self-help
72 groups, youth development, delinquency prevention and treatment, neglected or
73 dependent children, the quality of juvenile justice, education, and social services for
74 children;
- 75 (6) Volunteers who work with delinquent children or potential delinquent children;
- 76 (7) Youth workers involved with programs that are alternatives to incarceration,
77 including programs providing organized recreation activities;
- 78 (8) Individuals with special experience and competence in addressing problems related
79 to school violence and vandalism and alternatives to suspension and expulsion; and
- 80 (9) Individuals with special experience and competence in addressing problems related
81 to learning disabilities, emotional difficulties, child abuse and neglect, and youth
82 violence.
- 83 (b)(1) A majority of the members of the advisory board, including the chairperson, shall
84 not be full-time employees of the federal, state, or local government.
- 85 (2) At least one-fifth of the members of the advisory board shall be under 24 years of age
86 at the time of their appointment.
- 87 (3) At least three members shall have been or shall currently be under the jurisdiction of
88 the juvenile justice system of this state.
- 89 (c) Membership on the advisory board shall not constitute public office and no member
90 shall be disqualified from holding public office by reason of his or her membership.
- 91 (d) The advisory board shall elect a chairperson from among its membership who must
92 also be a member of the council. The advisory board may elect such other officers and
93 committees as it considers appropriate.
- 94 (e) Members of the advisory board shall serve without compensation, although each
95 member of the advisory board shall be reimbursed for actual expenses incurred in the
96 performance of his or her duties from funds available to the office. Such reimbursement
97 shall be limited to all travel and other expenses necessarily incurred through service on the

98 advisory board, in compliance with this state's travel rules and regulations. However, in
 99 no case shall a member of the advisory board be reimbursed for expenses incurred in the
 100 member's capacity as the representative of another state agency.

101 35-6A-12.

102 The advisory board shall:

103 (1) Meet at such times and places as it shall determine necessary or convenient to
 104 perform its duties. The advisory board shall also meet on the call of the chairperson, the
 105 director of the council, the chairperson of the council, or the Governor;

106 (2) Maintain minutes of its meetings;

107 (3) Participate in the development and review of this state's juvenile justice plan prior to
 108 submission to the council for final action;

109 (4) Be afforded the opportunity to review and comment, not later than 30 days after their
 110 submission to the advisory board, on all juvenile justice and delinquency prevention grant
 111 applications submitted to the council;

112 (5) Using the combined expertise and experience of its members, provide regular advice
 113 and counsel to the director of the council to enable the council to carry out its statutory
 114 duties under this article; and

115 (6) Carry out such duties that may be required by federal law or regulation so as to
 116 enable this state to receive and disburse federal funds for juvenile delinquency prevention
 117 and treatment."

118 **SECTION 3.**

119 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
 120 Code, is amended by revising subsection (f) of Code Section 15-11-504, relating to place of
 121 detention and data on child detained, as follows:

122 "(f) All facilities shall maintain data on each child detained and such data shall be recorded
 123 and retained by the facility for three years and shall be made available for inspection during
 124 normal business hours by any court exercising juvenile court jurisdiction, by DJJ, by the
 125 Governor's Office for Children and Families, by the Criminal Justice Coordinating Council,
 126 by the Administrative Office of the Courts, and by the Council of Juvenile Court Judges.
 127 Such data shall be used by the inspecting agency for official purposes and shall not be
 128 subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor
 129 subject to subpoena. The required data are each detained child's:

130 (1) Name;

131 (2) Date of birth;

132 (3) Sex;

- 133 (4) Race;
- 134 (5) Offense or offenses for which such child is being detained;
- 135 (6) Date of and authority for confinement;
- 136 (7) Location of the offense and the name of the school if the offense occurred in a school
- 137 safety zone, as defined in Code Section 16-11-127.1;
- 138 (8) The name of the referral source, including the name of the school if the referring
- 139 source was a school;
- 140 (9) The score on the detention assessment;
- 141 (10) The basis for detention if such child's detention assessment score does not in and
- 142 of itself mandate detention;
- 143 (11) The reason for detention, which may include, but shall not be limited to,
- 144 preadjudication detention, detention while awaiting a postdisposition placement, or
- 145 serving a short-term program disposition;
- 146 (12) Date of and authority for release or transfer; and
- 147 (13) Transfer or to whom released."

148 **SECTION 4.**

149 Said chapter is further amended by revising subsection (d) of Code Section 15-11-704,

150 relating to public inspection of court files and records, as follows:

151 "(d) A judge shall permit authorized representatives of DJJ, the Governor's Office for

152 Children and Families, the Criminal Justice Coordinating Council, the Administrative

153 Office of the Courts, and the Council of Juvenile Court Judges to inspect and extract data

154 from any court files and records for the purpose of obtaining statistics on children and to

155 make copies pursuant to the order of the court. Such data shall be used by the inspecting

156 agency for official purposes and shall not be subject to release by such agency pursuant to

157 Article 4 of Chapter 18 of Title 50, nor subject to subpoena."

158 **SECTION 5.**

159 Said chapter is further amended by revising subsection (d) of Code Section 15-11-708,

160 relating to separation of juvenile and adult records for law enforcement, as follows:

161 "(d) The court shall allow authorized representatives of DJJ, the Governor's Office for

162 Children and Families, the Criminal Justice Coordinating Council, the Administrative

163 Office of the Courts, and the Council of Juvenile Court Judges to inspect and copy law

164 enforcement records for the purpose of obtaining statistics on children. Such data shall be

165 used by the inspecting agency for official purposes and shall not be subject to release by

166 such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena."

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SECTION 6.

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Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising paragraph (3) of subsection (b) of Code Section 49-4A-2, relating to the duties and responsibilities of the Board of Juvenile Justice, as follows:

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"(3) Ensure that detention assessment, risk assessment, and risk and needs assessment instruments that are utilized by intake personnel and courts are developed in consultation with the Governor's Office for Children and Families, the Criminal Justice Coordinating Council, and the Council of Juvenile Court Judges and ensure that such instruments are validated at least every five years;"

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SECTION 7.

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Said title is further amended by revising subsection (n) of Code Section 49-4A-8, relating to commitment of delinquent children and records, as follows:

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"(n)(1) The department shall conduct a continuing inquiry into the effectiveness of treatment methods it employs in seeking the rehabilitation of maladjusted children. To this end, the department shall maintain a statistical record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction and control of the department and shall tabulate, analyze, and publish in print or electronically annually these data so that they may be used to evaluate the relative merits of methods of treatment. The department shall cooperate and coordinate with courts, juvenile court clerks, the Governor's Office for Children and Families, the Criminal Justice Coordinating Council, and public and private agencies in the collection of statistics and information regarding:

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(A) Juvenile delinquency;

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(B) Arrests made;

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(C) Detentions made, the offense for which such detention was authorized, and the reason for each detention;

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(D) Complaints filed;

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(E) Informations filed;

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(F) Petitions filed;

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(G) The results of complaints, informations, and petitions, including whether such filings were dismissed, diverted, or adjudicated;

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(H) Commitments to the department, the length of such commitment, and releases from the department;

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(I) The department's placement decisions for commitments;

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(J) Placement decisions to institutions, camps, or other facilities for delinquent children operated under the direction of courts or other local public authorities;

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(K) Community programs utilized and completion data for such programs;

- 203 (L) Recidivism;
- 204 (M) Data collected by juvenile court clerks pursuant to Code Section 15-11-64; and
- 205 (N) Other information useful in determining the amount and causes of juvenile
- 206 delinquency in this state.
- 207 (2) In order to facilitate the collection of the information required by paragraph (1) of
- 208 this subsection, the department shall be authorized to inspect and copy all records of the
- 209 court and law enforcement agencies pertaining to juveniles and collect data from juvenile
- 210 court clerks."

211 **SECTION 8.**

212 Said title is further amended by revising subsection (b) of Code Section 49-5-155, relating

213 to the effect of Article 6 on the Department of Juvenile Justice office as recipient entity for

214 federal grants, as follows:

215 "(b) Other than the Department of Juvenile Justice, the Governor's Office for Children and

216 Families created pursuant to Code Section 49-5-132 and the Criminal Justice Coordinating

217 Council shall be the only other authorized controlling recipient entity for grants under the

218 United States Department of Justice Juvenile Justice Delinquency and Prevention Grants."

219 **SECTION 9.**

220 Article 2 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to

221 family violence shelters, is amended by revising paragraphs (1) and (5) of Code Section

222 19-13-20, relating to definitions, as follows:

223 "(1) 'Council' means the Criminal Justice Coordinating Council. ~~'Department' means the~~

224 ~~Department of Human Services.'~~"

225 "(5) 'Family violence shelter' means a facility approved by the ~~department~~ council for the

226 purpose of receiving, on a temporary basis, persons who are subject to family violence.

227 Family violence shelters are distinguished from shelters operated for detention or

228 placement of children only, as provided in subsection (c) of Code Section 15-11-135 and

229 subsection (a) of Code Section 15-11-504."

230 **SECTION 10.**

231 Said article is further amended by revising Code Section 19-13-21, relating to the powers and

232 duties of the department, as follows:

233 "19-13-21.

234 (a) It shall be the duty of the ~~department~~ council:

235 (1) To establish minimum standards for an approved family violence shelter to enable

236 such shelter to receive state funds;

- 237 (2) To receive applications for the development and establishment of family violence
 238 shelters;
- 239 (3) To approve or reject each application within 60 days of receipt of the application;
- 240 (4) To distribute funds to an approved shelter as funds become available;
- 241 (5) To fund other family violence programs as funds become available, provided that
 242 such programs meet standards established by the ~~department~~ council; and
- 243 (6) To evaluate annually each family violence shelter for compliance with the minimum
 244 standards.
- 245 (b) Without using designated shelter funds, the ~~department~~ council may:
- 246 (1) Formulate and conduct a research and evaluation program on family violence and
 247 cooperate with and assist and participate in programs of other properly qualified agencies,
 248 including any agency of the federal government, schools of medicine, hospitals, and
 249 clinics, in planning and conducting research on the prevention of family violence and the
 250 care, treatment, and rehabilitation of persons engaged in or subject to family violence;
- 251 (2) Serve as a clearing-house for information relating to family violence;
- 252 (3) Carry on educational programs on family violence for the benefit of the general
 253 public, persons engaged in or subject to family violence, professional persons, or others
 254 who care for or may be engaged in the care and treatment of persons engaged in or
 255 subject to family violence; and
- 256 (4) Enlist the assistance of public and voluntary health, education, welfare, and
 257 rehabilitation agencies in a concerted effort to prevent family violence and to treat
 258 persons engaged in or subject to family violence."

259 **SECTION 11.**

260 Said article is further amended by revising Code Section 19-13-22, relating to eligibility for
 261 licensing and funding, as follows:

262 "19-13-22.

- 263 (a) In order to be approved and funded under this article, each shelter shall:
- 264 (1) Provide a facility which will serve as a shelter to receive or house persons who are
 265 family violence victims;
- 266 (2) Receive the periodic written endorsement of local law enforcement agencies;
- 267 (3) Receive a minimum of 25 percent of its funding from other sources. Contributions
 268 in kind, whether materials, commodities, transportation, office space, other types of
 269 facilities, or personal services, may be evaluated and counted as part of the required local
 270 funding; and

271 (4) Meet the minimum standards of the ~~department~~ council for approving family
272 violence shelters; provided, however, that facilities not receiving state funds shall not be
273 required to be approved.

274 (b) The ~~department~~ council shall provide procedures whereby local organizations may
275 apply for approval and funding. Any local agency or organization may apply to participate.

276 (c) Each approved family violence shelter shall be designated to serve as a temporary
277 receiving facility for the admission of persons subject to family violence. Each shelter
278 shall refer such persons and their spouses to any public or private facility, service, or
279 program providing treatment or rehabilitation services, including, but not limited to, the
280 prevention of such violence and the care, treatment, and rehabilitation of persons engaged
281 in or subject to family violence.

282 (d) Family violence shelters and family violence programs may be established throughout
283 the state as private, local, state, or federal funds are available. Any county or municipality
284 in this state is authorized to make grants of county or municipal funds, respectively, to any
285 family violence center approved as such in accordance with the minimum standards of the
286 ~~department~~ council.

287 (e) The family violence shelters shall establish procedures pursuant to which persons
288 subject to family violence may seek admission to these shelters on a voluntary basis.

289 (f) Each family violence shelter shall have a board composed of at least three citizens, one
290 of whom shall be a member of a local, municipal, or county law enforcement agency."

291 **SECTION 12.**

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