

Senate Bill 130

By: Senators Tillery of the 19th, Stone of the 23rd, Kennedy of the 18th, Mullis of the 53rd,  
Black of the 8th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the  
2 Juvenile Code, so as to clarify provisions relating to the waiver of the right to counsel; to  
3 provide for related matters; to repeal conflicting laws; and for other purposes.

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

5 **SECTION 1.**

6 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile  
7 Code, is amended by revising subsection (g) of Code Section 15-11-103, relating to the right  
8 to an attorney, as follows:

9 "(g) A party other than a child shall be informed of his or her right to an attorney prior to  
10 any hearing. A party other than a child shall be given an opportunity to:

11 (1) Obtain and employ an attorney of such party's own choice;

12 (2) Obtain a court appointed attorney if the court determines that such party is an  
13 indigent person; or

14 (3) Waive the right to an attorney, provided that such waiver is made knowingly,  
15 voluntarily, and on the record."

16 **SECTION 2.**

17 Said chapter is further amended by revising subsection (b) of Code Section 15-11-511,  
18 relating to arraignment, admissions at arraignment, and right to attorney, as follows:

19 "(b) The court may accept an admission at arraignment and may proceed immediately to  
20 disposition if a child is represented by counsel at arraignment. If a child's liberty is not in  
21 jeopardy, he or she may waive the right to counsel at arraignment, provided that such  
22 waiver is made knowingly, voluntarily, and on the record. A child represented by counsel  
23 or whose liberty is not in jeopardy may make a preliminary statement indicating whether  
24 he or she plans to admit or deny the allegations of the complaint at the adjudication

25 hearing. The court shall not accept an admission from a child whose liberty is in jeopardy  
26 and who is unrepresented by counsel.”

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.