

Senate Bill 326

By: Senators James of the 35th, Rhett of the 33rd, Harbison of the 15th, Davenport of the 44th, Henson of the 41st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 6 of Chapter 11 of Title 15, Title 17, Article 1 of Chapter 7 of
2 Title 31, Article 1 of Chapter 3 of Title 35, and Chapter 4A of Title 49 of the Official Code
3 of Georgia Annotated, relating to custody and release of child, criminal procedure, regulation
4 of hospitals and related institutions, general provisions regarding the Georgia Bureau of
5 Investigation, and the Department of Juvenile Justice, respectively, so as to provide for
6 certain enhanced procedures and training to prevent and identify victims of labor or sexual
7 servitude; to require that arrested persons be checked through the Georgia Crime Information
8 Center for certain classifications; to require a sworn and notarized affidavit by individuals
9 or entities purporting to have legal custody of a delinquent child for the posting of bail; to
10 require that sureties on criminal bonds collect a sworn and notarized affidavit from persons
11 acting for a defendant who is less than 18 years of age; to require certain material on labor
12 and sexual servitude be provided annually to certain personnel rendering patient care at
13 hospitals and related institutions; to revise the powers and duties of the Georgia Bureau of
14 Investigation to particularly require the acquisition, collection, classification, and
15 preservation of certain information pertaining to persons subjected to or reasonably believed
16 to be subjected to labor or sexual servitude; to provide for requirements for the discharge or
17 liberty of delinquent children by the Department of Juvenile Justice, so as to prevent the
18 release of such delinquent children into the care of individuals or entities who do not have
19 legal custody of such delinquent children; to provide for related matters; to provide for a
20 short title; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 This Act shall be known and may be cited as the "Sheltering Adolescent from Destructive
24 Environments (Sade's) Law."

25 **SECTION 2.**

26 Part 3 of Article 6 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
 27 relating to custody and release of child, is amended by revising subsection (e) of Code
 28 Section 15-11-507, relating to bail, as follows:

29 "(e) Any person having legal custody or an adult blood relative or stepparent of an alleged
 30 delinquent child shall be entitled to post bail but shall be required immediately to return
 31 such child to the individual or entity having legal custody of such child. Prior to posting
 32 bail such person, adult blood relative, or stepparent shall file a sworn and notarized
 33 affidavit with the court stating that he or she has legal custody of such alleged delinquent
 34 child or that he or she is an adult blood relative or stepparent of such alleged delinquent
 35 child who will immediately return such child to the individual or entity having legal
 36 custody of such child."

37 **SECTION 3.**

38 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
 39 amended by adding a new Code section to Article 1 of Chapter 4, relating to general
 40 provisions regarding the arrest of persons, to read as follows:

41 "17-4-4.
 42 For every person arrested by a law enforcement officer or who is received into the custody
 43 of a law enforcement officer in an arrested state, a criminal history records check of such
 44 person shall be conducted by the law enforcement officer within the Georgia Crime
 45 Information Center for a determination as to whether such person is classified within the
 46 center as a wanted or missing person or a person subjected to or reasonably believed to be
 47 subjected to labor or sexual servitude. The law enforcement officer shall notify the
 48 Georgia Bureau of Investigation if such person is classified as a wanted or missing person
 49 or a person subjected to or reasonably believed to be subjected to labor or sexual servitude."

50 **SECTION 4.**

51 Said title is further amended by revising Code Section 17-6-30, relating to fees of sureties,
 52 as follows:

53 "17-6-30.
 54 (a) Sureties on criminal bonds in any court shall not charge or receive more than 15
 55 percent of the face amount of the bond set, which amount includes the principal and all
 56 applicable surcharges, as compensation from defendants or from anyone acting for
 57 defendants; provided, however, that a surety may charge and receive a minimum of \$50.00
 58 per bonded charge or offense as compensation, regardless of whether such compensation
 59 exceeds 15 percent of the face amount of any bond set.

60 (b) No person shall act for a defendant pursuant to subsection (a) of this Code section if
 61 such defendant is less than 18 years of age unless such person has legal custody or is an
 62 adult blood relative or stepparent of such defendant. Such person, adult blood relative, or
 63 stepparent shall present a sworn and notarized affidavit to the surety stating that he or she
 64 has legal custody of such defendant or that he or she is an adult blood relative or stepparent
 65 of such defendant who will immediately return such defendant to the individual or entity
 66 having legal custody of such defendant. The surety shall file such affidavit with the court
 67 by the next business day after receiving such affidavit.

68 (c) Any person who violates ~~subsection (a)~~ of this Code section shall be guilty of a
 69 misdemeanor."

70 **SECTION 5.**

71 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
 72 regulation of hospitals and related institutions, is amended by adding a new Code section to
 73 read as follows:

74 "31-7-22.

75 Any institution licensed pursuant to Code Section 31-7-3 shall provide annually to any
 76 personnel rendering patient care written material on industry best practices in recognizing
 77 signs typically displayed by persons who have been or are being subjected to labor or
 78 sexual servitude in violation of Code Section 16-5-46. Such written material on industry
 79 best practices shall be as provided for and developed by the department."

80 **SECTION 6.**

81 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
 82 general provisions regarding the Georgia Bureau of Investigation, is amended by adding a
 83 new paragraph to subsection (a) of Code Section 35-3-4, relating to powers and duties of
 84 bureau generally, to read as follows:

85 "(13.1) Acquire, collect, classify, and preserve any information which would assist in the
 86 identification of any person subjected to or reasonably believed to be subjected to labor
 87 or sexual servitude in violation of Code Section 16-5-46 and provide confirmation as to
 88 any entry for such a person to the parent, legal guardian, or next of kin of that person, and
 89 the bureau shall acquire, collect, classify, and preserve such information from such
 90 parent, guardian, or next of kin; provided, however, that the bureau shall not provide
 91 confirmation to any such parent, legal guardian, or next of kin that the bureau reasonably
 92 believes such person has been subjected to such labor or sexual servitude;"

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SECTION 7.

94 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department
95 of Juvenile Justice, is amended by adding a new subsection to Code Section 49-4A-8,
96 relating to commitment of delinquent children, procedure, cost, return of mentally ill or
97 developmentally disabled children, escapees, discharge, evidence of commitment, records,
98 and restitution, to read as follows:

99 "(p) No child shall be discharged from control of the department or permitted any liberty
100 by the department except that such child may be discharged or permitted liberty into the
101 care of the individual or entity having legal custody of him or her. The department shall,
102 under rules and regulations established by the board, establish verification procedures for
103 compliance with this subsection."

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SECTION 8.

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