

The House Committee on Juvenile Justice offers the following substitute to HB 462

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 enact the "Raise the Age Act"; to provide for an implementation
3 committee; to provide for the powers, composition, and appointment of such committee; to
4 change the jurisdiction of the juvenile court to include certain children who are 17 years of
5 age; to amend Titles 15, 16, 17, 27, 37, 42, and 49 of the Official Code of Georgia
6 Annotated, relating to courts, crimes and offenses, criminal procedure, game and fish, mental
7 health, penal institutions, and social services, respectively, so as to make conforming
8 cross-references; to provide for effective dates and automatic repeal under certain
9 circumstances; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 462 (SUB)

12 **PART I**

13 **SECTION 1-1.**

14 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
15 Code, is amended in Article 1, relating to general provisions, by adding a new Code section
16 to read as follows:

17 "15-11-42.

18 (a) This Code section shall be known and may be cited as the 'Raise the Age Act.'

19 (b) There shall be an implementation committee that shall consist of 12 members as
20 follows:

21 (1) The chairperson of the House Committee on Juvenile Justice;

22 (2) The chairperson of the Senate Judiciary Committee;

23 (3) The commissioner of the Department of Juvenile Justice or his or her designee;

24 (4) The president of the Georgia Sheriffs' Association or his or her designee;

25 (5) The executive director of the Administrative Office of the Courts or his or her
26 designee;

27 (6) The executive director of the Prosecuting Attorneys' Council of the State of Georgia
28 or his or her designee;

29 (7) The executive director of the Georgia Association of Criminal Defense Lawyers or
30 his or her designee;

31 (8) The executive director of the Criminal Justice Coordinating Council or his or her
32 designee;

33 (9) The director of the Governor's Office of Planning and Budget or his or her designee;

34 (10) The president of the Council of Juvenile Court Judges or his or her designee;

35 (11) The executive director of the Association County Commissioners of Georgia or his
36 or her designee; and

37 (12) The president of the Georgia Council of Court Administrators or his or her designee.

38 The chairperson of the House Committee on Juvenile Justice and the chairperson of the
39 Senate Judiciary Committee shall serve as cochairpersons of the committee. The
40 committee shall meet upon the call of the chairs.

41 (c) The committee may confer with any appropriate subject matter experts, state agencies
42 and advisory members to the committees as selected by the chairs, including the president
43 of the Georgia Association of Chiefs of Police, the executive director of the Georgia Public
44 Safety Training Center, attorneys who regularly practice in the juvenile courts, and
45 advocates for children and youth, on matters relating to implementing raising the juvenile
46 age, including equipment, security, and technological aspects in connection to raising the
47 age of juvenile offenders regarding:

48 (1) Standards and practices of other jurisdictions;

49 (2) The most recent standards promulgated by national standard-setting bodies; and

50 (3) The views of interested persons, government officials, and entities.

51 (d) The committee shall commence no later than May 15, 2023, and shall stand abolished
52 on December 31, 2024.

53 (e) The committee shall provide a detailed written report including all the necessary
54 operational and statutory changes required to include 17 year-old children in the juvenile
55 justice system, including cost estimates for capital outlay, operating expenses, and staffing
56 needs, for each part of the implementation plan. The report shall also include the estimated
57 time required for such proposed implementation as well as any other data, reports,
58 statistical information, and other facts and figures necessary for the successful
59 implementation of such policy. Such report shall be provided to the Governor, the
60 Lieutenant Governor, and the members of the General Assembly not later than
61 December 1, 2023.

62 (f) This Code Section shall stand repealed in its entirety on January 1, 2025."

63

PART II

64

SECTION 2-1.

65 Said chapter is further amended by revising paragraph (10) of Code Section 15-11-2, relating
66 to definitions, as follows:

67 "(10) 'Child' means any individual who is:

68 (A) Under the age of 18 years;

69 ~~(B) Under the age of 17 years when alleged to have committed a delinquent act;~~

70 ~~(C)~~(B) Between 18 and 21 years of age and receiving extended care youth services
71 from DFCS; or

72 ~~(D)~~(C) Under the age of 21 years who committed an act of delinquency before
73 reaching the age of ~~17~~ 18 years and who has been placed under the supervision of the
74 court or on probation to the court for the purpose of enforcing orders of the court."

75

SECTION 2-2.

76 Said chapter is further amended by revising subsection (a) of Code Section 15-11-7, relating
77 to court of inquiry, as follows:

78 "(a) The juvenile court shall have jurisdiction to act as a court of inquiry with all the
79 powers and rights allowed courts of inquiry in this state and to examine or investigate into
80 the circumstances or causes of any conduct or acts of any person ~~17~~ 18 or more years of
81 age that may be in violation of the laws of this state whenever such person is brought
82 before the court in the course of any proceeding instituted under this chapter. The court
83 shall cause the person to be apprehended and brought before it upon either a writ of
84 summons, a warrant duly issued, or by arrest."

85 **SECTION 2-3.**

86 Said chapter is further amended by revising subparagraph (E) of paragraph (1) of Code
87 Section 15-11-10, relating to exclusive original jurisdiction, as follows:

88 "(E) Has been placed under the supervision of the court or on probation to the court;
89 provided, however, that such jurisdiction shall be for the purpose of completing,
90 effectuating, and enforcing such supervision or a probation begun ~~either~~ prior to such
91 child's ~~seventeenth~~ eighteenth birthday if the order is entered as a disposition for an
92 adjudication for delinquency or prior to such child's eighteenth birthday if the order is
93 entered for an adjudication for a child in need of services;"

94 **SECTION 2-4.**

95 Said chapter is further amended by revising subsection (e) of Code Section 15-11-504,
96 relating to place of detention, as follows:

97 "(e) The official in charge of a jail or other facility for the detention of adult offenders or
98 persons charged with a crime shall inform the court or the juvenile court intake officer
99 immediately when a child who appears to be under the age of ~~17~~ 18 years is received at
100 such facility and shall deliver such child to the court upon request or transfer such child to
101 the facility designated by the juvenile court intake officer or the court."

102 **SECTION 2-5.**

103 Said chapter is further amended by revising Code Section 15-11-560, relating to concurrent
104 and original jurisdiction of superior court, as follows:

105 "15-11-560.

106 (a) Except as provided in subsection (b) of this Code section, the court shall have
107 concurrent jurisdiction with the superior court over a child who is alleged to have
108 committed a delinquent act which would be considered a crime if tried in a superior court

109 and for which an adult may be punished by loss of life, imprisonment for life without
110 possibility of parole, or confinement for life in a penal institution.

111 (b) The superior court shall have exclusive original jurisdiction over the trial of any
112 child 13 to ~~17~~ 18 years of age who is alleged to have committed any of the following
113 offenses:

114 (1) Murder;

115 (2) Murder in the second degree;

116 (3) Voluntary manslaughter;

117 (4) Rape;

118 (5) Aggravated sodomy;

119 (6) Aggravated child molestation;

120 (7) Aggravated sexual battery;

121 (8) Armed robbery if committed with a firearm;

122 (9) Aggravated assault if committed with a firearm upon a public safety officer as such
123 acts are prohibited under subsection (c) of Code Section 16-5-21; or

124 (10) Aggravated battery upon a public safety officer as such acts are prohibited under
125 subsection (c) of Code Section 16-5-24.

126 (c) The granting of bail or pretrial release of a child charged with an offense enumerated
127 in subsection (b) of this Code section shall be governed by the provisions of Code
128 Section 17-6-1.

129 (d) At any time before indictment, the district attorney may, after investigation and for
130 cause, decline prosecution in the superior court of a child 13 to ~~17~~ 18 years of age alleged
131 to have committed an offense specified in subsection (b) of this Code section. Upon
132 declining such prosecution in the superior court, the district attorney shall cause a petition
133 to be filed in the appropriate juvenile court for adjudication within 72 hours if the child is
134 in detention or 30 days if the child is not in detention. Except as provided in paragraph (8)
135 of subsection (b) of Code Section 15-11-602, any case transferred by the district attorney

136 to the juvenile court pursuant to this subsection shall be subject to the class A designated
137 felony act provisions of Code Section 15-11-602, and the transfer of the case from superior
138 court to juvenile court shall constitute notice to such child that such case is subject to the
139 class A designated felony act provisions of Code Section 15-11-602.

140 (e)(1) After indictment, the superior court may after investigation transfer to the juvenile
141 court any case involving a child 13 to ~~17~~ 18 years of age alleged to have committed any
142 act described in paragraph (3), (5), (6), (7), (9), or (10) of subsection (b) of this Code
143 section. In considering the transfer of such case, the court shall consider the criteria set
144 forth in Code Section 15-11-562. Any such transfer shall be appealable by the State of
145 Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior court,
146 jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall
147 terminate.

148 (2) Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any
149 case transferred by the superior court to the juvenile court pursuant to this subsection
150 shall be subject to the class A designated felony act provisions of Code
151 Section 15-11-602, and the transfer of the case from superior court to juvenile court shall
152 constitute notice to such child that such case is subject to the class A designated felony
153 act provisions of Code Section 15-11-602.

154 (f) The superior court may transfer any case involving a child 13 to ~~17~~ 18 years of age
155 alleged to have committed any offense enumerated in subsection (b) of this Code section
156 and convicted of a lesser included offense not included in subsection (b) of this Code
157 section to the juvenile court of the county of such child's residence for disposition. Upon
158 such a transfer by the superior court, jurisdiction shall vest in the juvenile court and
159 jurisdiction of the superior court shall terminate.

160 (g) Within 30 days of any proceeding in which a child 13 to ~~17~~ 18 years of age is
161 convicted of certain offenses over which the superior court has original jurisdiction as
162 provided in subsection (b) of this Code section or adjudicated as a delinquent child on the

163 basis of conduct which if committed by an adult would constitute such offenses, the
 164 superior court shall provide written notice to the school superintendent or his or her
 165 designee of the school in which such child is enrolled or, if the information is known, of
 166 the school in which such child plans to be enrolled at a future date. Such notice shall
 167 include the specific criminal offense that such child committed. The local school system
 168 to which such child is assigned may request further information from the court's file.

169 (h) As used in this Code section, the term 'firearm' means a handgun, rifle, shotgun, or
 170 other weapon which will or can be converted to expel a projectile by the action of an
 171 explosive or electrical charge."

172 **SECTION 2-6.**

173 Said chapter is further amended by revising paragraph (3) of subsection (a) and
 174 subsection (d) of Code Section 15-11-561, relating to waiver of juvenile court jurisdiction
 175 and transfer to superior court, as follows:

176 "(3) The petition alleges that such child:

177 (A) Was at least 15 years of age at the time of the commission of the offense and
 178 committed an act which would be a felony if committed by an adult; ~~or~~

179 (B) Was 13 or 14 years of age and either committed an act for which the punishment
 180 is loss of life or confinement for life in a penal institution or committed aggravated
 181 battery resulting in serious bodily injury to an alleged victim who is not a public safety
 182 officer as such term is defined in Code Section 16-5-19;

183 (C) Was 17 years of age at the time he or she is alleged to have committed criminal
 184 gang activity, as defined in subparagraphs (A) through (G) and (J) of paragraph (1) of
 185 Code Section 16-15-3, in violation of Code Section 16-15-4; or

186 (D) Was 17 years of age at the time he or she is alleged to have committed an act
 187 which would constitute a second or subsequent commission of a delinquent act for an
 188 offense which, if committed by an adult, would constitute a felony offense."

189 "(d) No child, either before or after reaching ~~17~~ 18 years of age, shall be prosecuted in
190 superior court for an offense committed before the child turned ~~17~~ 18, unless the case has
191 been transferred as provided in this part. In addition, no child shall be subject to criminal
192 prosecution at any time for an offense arising out of a criminal transaction for which the
193 juvenile court retained jurisdiction in its transfer order."

194 **SECTION 2-7.**

195 Said chapter is further amended by revising subsection (a) of Code section 15-11-562,
196 relating to transfer criteria and written reports, as follows:

197 "(a) The criteria that the juvenile court shall consider in determining whether to transfer
198 an alleged delinquent child as set forth in subsection (a) of Code Section 15-11-561 to
199 superior court and the criteria that the superior court shall consider in determining whether
200 to transfer any case involving a child 13 to ~~17~~ 18 years of age alleged to have committed
201 any act described in paragraph (3), (5), (6), (7), (9), or (10) of subsection (b) of Code
202 Section 15-11-560 to juvenile court as set forth in subsection (e) of Code
203 Section 15-11-560 includes, but shall not be limited to:

- 204 (1) The age of such child;
- 205 (2) The seriousness of the alleged offense, especially if personal injury resulted;
- 206 (3) Whether the protection of the community requires transfer of jurisdiction;
- 207 (4) Whether the alleged offense involved violence or was committed in an aggressive or
208 premeditated manner;
- 209 (5) The impact of the alleged offense on the alleged victim, including the permanence
210 of any physical or emotional injury sustained, health care expenses incurred, and lost
211 earnings suffered;
- 212 (6) The culpability of such child including such child's level of planning and
213 participation in the alleged offense;

- 214 (7) Whether the alleged offense is a part of a repetitive pattern of offenses which
 215 indicates that such child may be beyond rehabilitation in the juvenile justice system;
 216 (8) The record and history of such child, including experience with the juvenile justice
 217 system, other courts, supervision, commitments to juvenile institutions, and other
 218 placements;
 219 (9) The sophistication and maturity of such child as determined by consideration of his
 220 or her home and environmental situation, emotional condition, and pattern of living;
 221 (10) The program and facilities available to the juvenile court in considering disposition;
 222 and
 223 (11) Whether or not a child can benefit from the treatment or rehabilitative programs
 224 available to the juvenile court."

225 **SECTION 2-8.**

226 Said chapter is further amended by revising subsection (b) of Code Section 15-11-565,
 227 relating to places authorized for detention of child before and after transfer order, as follows:
 228 "(b) After the entry of a judgment ordering transfer, a child shall be detained only in those
 229 places authorized for the detention of a child until such child, as set forth in Code
 230 Section 15-11-34, reaches ~~17~~ 18 years of age."

231 **PART III**

232 **SECTION 3-1.**

233 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 234 subsection (a) of Code Section 15-6-36, relating to notice of student's felony conviction to
 235 school superintendent, as follows:

236 "(a) For the purposes of this Code section, 'conviction' means any felony conviction of a
 237 person who is at least ~~17~~ 18 years of age."

238

SECTION 3-2.

239 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
240 amended by revising paragraph (1) of subsection (c) of Code Section 16-5-21, relating to
241 aggravated assault, as follows:

242 "(c)(1) A person who knowingly commits the offense of aggravated assault upon a public
243 safety officer while he or she is engaged in, or on account of the performance of, his or
244 her official duties shall, upon conviction thereof, be punished as follows:

245 (A) When such assault occurs by the discharge of a firearm by a person who is at
246 least ~~17~~ 18 years of age, such person shall be punished by imprisonment for not less
247 than ten nor more than 20 years and shall be sentenced to a mandatory minimum term
248 of imprisonment of ten years and no portion of the mandatory minimum sentence
249 imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing
250 court; provided, however, that in the court's discretion, the court may depart from such
251 mandatory minimum sentence when the prosecuting attorney and defendant have
252 agreed to a sentence that is below such mandatory minimum;

253 (B) When such assault does not involve the discharge of a firearm by a person who is
254 at least ~~17~~ 18 years of age, and does not involve only the use of the person's body, such
255 person shall be punished by imprisonment for not less than five nor more than 20 years
256 and, for persons who are at least ~~17~~ 18 years of age, shall be sentenced to a mandatory
257 minimum term of imprisonment of three years and no portion of the mandatory
258 minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld
259 by the sentencing court; provided, however, that in the court's discretion, the court may
260 depart from such mandatory minimum sentence when the prosecuting attorney and
261 defendant have agreed to a sentence that is below such mandatory minimum; or

262 (C) When such assault occurs only involving the use of the person's body, by
263 imprisonment for not less than five nor more than 20 years."

264 **SECTION 3-3.**

265 Said title is further amended by revising paragraph (1) of subsection (c) of Code
266 Section 16-5-24, relating to aggravated battery, as follows:

267 "(c)(1) A person who knowingly commits the offense of aggravated battery upon a public
268 safety officer while the public safety officer is engaged in, or on account of the
269 performance of, his or her official duties shall, upon conviction thereof, be punished by
270 imprisonment for not less than ten nor more than 20 years; provided, however, that for
271 persons who are at least ~~17~~ 18 years of age, a mandatory minimum term of imprisonment
272 of three years shall be imposed and no portion of the mandatory minimum sentence shall
273 be suspended, stayed, probated, deferred, or otherwise withheld by the sentencing court;
274 provided, however, that in the court's discretion, the court may depart from such
275 mandatory minimum sentence when the prosecuting attorney and defendant have agreed
276 to a sentence that is below such mandatory minimum."

277 **SECTION 3-4.**

278 Said title is further amended by revising paragraph (3) of subsection (a) of Code
279 Section 16-12-1, relating to contributing to the delinquency or dependency of a minor, as
280 follows:

281 "(3) 'Minor' means any individual who is under the age of ~~17 years who is alleged to have~~
282 ~~committed a delinquent act or any individual under the age of 18 years."~~

283 **SECTION 3-5.**

284 Said title is further amended by revising subsection (b) of Code Section 16-12-100.3, relating
285 to obscene telephone contact, conviction, and penalties, as follows:

286 "(b) A person ~~17~~ 18 years of age or over commits the offense of obscene telephone contact
287 with a child if that person has telephone contact with an individual whom that person
288 knows or should have known is a child, and that contact involves any aural matter

289 containing explicit verbal descriptions or narrative accounts of sexually explicit nudity,
290 sexual conduct, sexual excitement, or sadomasochistic abuse which is intended to arouse
291 or satisfy the sexual desire of either the child or the person, provided that no conviction
292 shall be had for this offense on the unsupported testimony of the victim."

293 **SECTION 3-6.**

294 Said title is further amended by revising subsection (k) of Code Section 16-13-30, relating
295 to purchase, possession, manufacture, distribution, or sale of controlled substances or
296 marijuana, and penalties, as follows:

297 "(k) It shall be unlawful for any person to hire, solicit, engage, or use an individual under
298 the age of ~~17~~ 18 years, in any manner, for the purpose of manufacturing, distributing, or
299 dispensing, on behalf of the solicitor, any controlled substance, counterfeit substance, or
300 marijuana unless the manufacturing, distribution, or dispensing is otherwise allowed by
301 law. Any person who violates this subsection shall be guilty of a felony and, upon
302 conviction thereof, shall be punished by imprisonment for not less than five years nor more
303 than 20 years or by a fine not to exceed \$20,000.00, or both."

304 **SECTION 3-7.**

305 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
306 amended by revising Code Section 17-9-3, relating to recommendations for mercy in capital
307 cases other than those of homicide, and effect of no recommendation for mercy in capital
308 cases generally and where defendant under age of 17 at time of commission of offense, as
309 follows:

310 "17-9-3.

311 In all capital cases, other than those of homicide, when the verdict is 'guilty,' with a
312 recommendation for mercy, it shall be legal and shall mean imprisonment for life. When
313 the verdict is 'guilty,' without a recommendation for mercy, it shall be legal and shall mean

314 that the convicted person shall be sentenced to death. When it is shown that a person
315 convicted of a capital offense without a recommendation for mercy had not reached his or
316 her seventeenth eighteenth birthday at the time of the commission of the offense, the
317 punishment of such person shall not be death but shall be imprisonment for life."

318 **SECTION 3-8.**

319 Said title is further amended by revising Code Section 17-10-14, relating to committal of
320 person under 17 convicted of felony, as follows:

321 "17-10-14.

322 (a) Notwithstanding any other provisions of this article and except as otherwise provided
323 in subsection (b) of this Code section, in any case where a person under the age of ~~17~~ 18
324 years is convicted of a felony and sentenced as an adult to life imprisonment or to a certain
325 term of imprisonment, such person shall be committed to the Department of Juvenile
326 Justice to serve such sentence in a detention center of such department until such person
327 is ~~17~~ 18 years of age at which time such person shall be transferred to the Department of
328 Corrections to serve the remainder of the sentence. This Code section shall apply to any
329 person convicted on or after July 1, 1987, and to any person convicted prior to such date
330 who has not been committed to an institution operated by the Department of Corrections.

331 (b) If a child is transferred to superior court pursuant to Code Section 15-11-561 and
332 convicted of aggravated assault as defined in Chapter 5 of Title 16, the court may sentence
333 such child to the Department of Corrections. Such child shall be housed in a designated
334 youth confinement unit until such person is ~~17~~ 18 years of age, at which time such person
335 may be housed in any other unit designated by the Department of Corrections."

336 **SECTION 3-9.**

337 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
338 revising paragraph (1) of subsection (b) of Code Section 27-3-63, relating to general offenses
339 and penalties, as follows:

340 "(1) For the first offense, the offender shall be fined not less than \$100.00, except that
341 this minimum fine shall not apply to the offender if he or she is ~~17~~ 18 years of age or
342 younger;"

343 **SECTION 3-10.**

344 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
345 revising paragraph (4) of Code Section 37-3-1, relating to definitions, as follows:

346 "(4) 'Court' means:

347 (A) In the case of an individual who is ~~17~~ 18 years of age or older, the probate court
348 of the county of residence of the patient or the county in which such patient is found.
349 Notwithstanding Code Section 15-9-13, in any case in which the judge of such court is
350 unable to hear a case brought under this chapter within the time required for such
351 hearing or is unavailable to issue the order specified in subsection (b) of Code
352 Section 37-3-41, such judge shall appoint a person to serve and exercise all the
353 jurisdiction of the probate court in such case. Any person so appointed shall be a
354 member of the State Bar of Georgia and shall be otherwise qualified for his or her
355 duties by training and experience. Such appointment may be made on a case-by-case
356 basis or by making a standing appointment of one or more persons. Any person
357 receiving such standing appointment shall serve at the pleasure of the judge making the
358 appointment or his or her successor in office to hear such cases if and when necessary.
359 The compensation of a person so appointed shall be as agreed upon by the judge who
360 makes the appointment and the person appointed with the approval of the governing
361 authority of the county for which such person is appointed and shall be paid from the

362 county funds of said county. All fees collected for the services of such appointed
 363 person shall be paid into the general funds of the county served; or
 364 (B) In the case of an individual who is under the age of ~~17~~ 18 years, the juvenile court
 365 of the county of residence of the patient or the county in which such patient is found."

366 SECTION 3-11.

367 Said title is further amended by revising paragraph (5) of Code Section 37-4-2, relating to
 368 definitions, as follows:

369 "(5) 'Court' means:

370 (A) In the case of an individual who is ~~17~~ 18 years of age or older, the probate court
 371 of the county of residence of the client or the county in which such client is found.
 372 Notwithstanding Code Section 15-9-13, in any case in which the judge of said probate
 373 court is unable to hear a case brought under this chapter within the time required for
 374 such hearing, said judge shall appoint a person to serve and exercise all the jurisdiction
 375 of the probate court in such case. Any person so appointed shall be a member of the
 376 State Bar of Georgia and shall be otherwise qualified for his or her duties by training
 377 and experience. Such appointment may be made on a case-by-case basis or by making
 378 a standing appointment of one or more persons. Any person receiving such standing
 379 appointment shall serve at the pleasure of the judge making the appointment or the
 380 judge's successor in office to hear such cases if and when necessary. The compensation
 381 of a person so appointed shall be as agreed upon by the judge who makes the
 382 appointment and the person appointed with the approval of the governing authority of
 383 the county for which such person is appointed and shall be paid from the county funds
 384 of said county. All fees collected for the services of such appointed person shall be paid
 385 into the general funds of the county served; or
 386 (B) In the case of an individual who is under the age of ~~17~~ 18 years, the juvenile court
 387 of the county of residence of the client or the county in which such client is found."

H. B. 462 (SUB)

388

SECTION 3-12.

389 Said title is further amended by revising paragraph (7) of Code Section 37-7-1, relating to
390 definitions, as follows:

391 "(7) 'Court' means:

392 (A) In the case of an individual who is ~~17~~ 18 years of age or older, the probate court
393 for the county of residence of the patient or the county in which such patient is found.
394 Notwithstanding Code Section 15-9-13, in any case in which the judge of the probate
395 court is unable to hear a case brought under this chapter within the time required for
396 such hearing or is unavailable to issue the order specified in subsection (b) of Code
397 Section 37-7-41, the judge shall appoint a person to serve and exercise all the
398 jurisdiction of the probate court in such case. Any person so appointed shall be a
399 member of the State Bar of Georgia and be otherwise qualified for his or her duties by
400 training and experience. Such appointment may be made on a case-by-case basis or by
401 making a standing appointment of one or more persons. Any person receiving such a
402 standing appointment shall serve at the pleasure of the judge making the appointment
403 or his or her successor in office to hear such cases if and when necessary. The
404 compensation of a person so appointed shall be as agreed upon by the judge who makes
405 the appointment and the person appointed and as approved by the governing authority
406 of the county for which such person is appointed and shall be paid from the county
407 funds of the county. All fees collected for the services of such appointed person shall
408 be paid into the general funds of the county served; or

409 (B) In the case of an individual who is under the age of ~~17~~ 18 years, the juvenile court
410 of the county of residence of the patient or the county in which the patient is found."

411 **SECTION 3-13.**

412 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
413 by revising subsection (b) of Code Section 42-5-52, relating to classification and separation
414 of inmates generally and placement of juvenile offenders, as follows:

415 "(b) The department may establish separate correctional or similar institutions for the
416 separation and care of juvenile offenders. The commissioner may transfer any juvenile
417 under ~~17~~ 18 years of age from the penal institution in which he or she is serving to the
418 Department of Juvenile Justice, provided that the transfer is approved thereby. The
419 juvenile may be returned to the custody of the commissioner when the commissioner of
420 juvenile justice determines that the juvenile is unsuited to be dealt with therein. The
421 commissioner may accept a juvenile for transfer into a penal institution upon the request
422 of the commissioner of juvenile justice if such juvenile is 16 years of age or older and has
423 been committed to the Department of Juvenile Justice for a class A designated felony act
424 or class B designated felony act, as defined by Code Section 15-11-2, and such juvenile's
425 behavior presents a substantial danger to any person at or within a Department of Juvenile
426 Justice facility. In the event of such transfer, the department shall have the same authority
427 over and responsibility for such juvenile as the Department of Juvenile Justice has for such
428 juvenile and shall maintain sight and sound separation as set forth in paragraph (5) of
429 subsection (c) of Code Section 15-11-504."

430 **SECTION 3-14.**

431 Said title is further amended by revising paragraph (7) of Code Section 42-7-2, relating to
432 definitions, as follows:

433 "(7) 'Youthful offender' means any male offender who is at least ~~17~~ 18 but less than 25
434 years of age at the time of conviction and who in the opinion of the department has the
435 potential and desire for rehabilitation."

436 **SECTION 3-15.**

437 Said title is further amended by revising subsection (b) of Code Section 42-8-35.1, relating
438 to probation boot camp unit as special alternative incarceration, as follows:

439 "(b) Before a court may place such condition upon the sentence, an initial investigation
440 shall be completed by the officer which indicates that the probationer is qualified for such
441 treatment in that the individual does not appear to be physically or mentally disabled in a
442 way that would prevent him or her from strenuous physical activity, that the individual has
443 no obvious contagious diseases, that the individual is not less than ~~17~~ 18 years of age nor
444 more than 30 years of age at the time of sentencing, and that the Department of Corrections
445 has granted provisional approval of the placement of the individual in the special
446 alternative incarceration—probation boot camp unit."

447 **SECTION 3-16.**

448 Said title is further amended by revising subsection (b) of Code Section 42-8-35.4, relating
449 to confinement in probation detention center, as follows:

450 "(b) The court shall determine that the defendant is at least ~~17~~ 18 years of age at the time
451 of sentencing."

452 **SECTION 3-17.**

453 Said title is further amended by revising paragraph (4) of Code Section 42-12-3, relating to
454 definitions for the "Prison Litigation Reform Act of 1996," as follows:

455 "(4) 'Prisoner' means a person ~~17~~ 18 years of age or older who has been convicted of a
456 crime and is presently incarcerated or is being held in custody awaiting trial or
457 sentencing."

458 **SECTION 3-18.**

459 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
460 by revising paragraph (6) of subsection (b) of Code Section 49-4A-2, relating to the Board
461 of Juvenile Justice created, appointments, terms, vacancies, chairperson, per diem and
462 expenses, and responsibilities and rules, as follows:

463 "(6) Adopt rules and regulations governing the transfer of children who are at least ~~17~~ 18
464 years of age and are released from restrictive custody due to an adjudication for a Class
465 A designated felony act or Class B designated felony act, as such terms are defined in
466 Code Section 15-11-2, to the Department of Community Supervision to ensure balanced
467 attention to the protection of the community, the imposition of accountability, and the
468 development of competencies to enable each child to become a responsible and
469 productive member of the community, taking into consideration a child's level of
470 participation in the department's educational, vocational, and other services prior to such
471 release."

472 **SECTION 3-19.**

473 Said title is further amended by revising subsection (e) of Code Section 49-4A-9, relating to
474 the sentence of youthful offenders, modification of order, review, and participation in
475 programs, as follows:

476 "(e) Any child under ~~17~~ 18 years of age who is sentenced in the superior court and
477 committed to the department may be eligible to participate in all juvenile detention facility
478 programs and services including community work programs, sheltered workshops, special
479 state sponsored programs for evaluation and services under the Georgia Vocational
480 Rehabilitation Agency and the Department of Behavioral Health and Developmental
481 Disabilities, and under the general supervision of juvenile detention facility staff at special
482 planned activities outside of the juvenile detention facility. When such a child sentenced
483 in the superior court is approaching his or her ~~seventeenth~~ eighteenth birthday, the

484 department shall notify the court that a further disposition of the child is necessary. The
485 department shall provide the court with information concerning the participation and
486 progress of the child in programs described in this subsection. The court shall review the
487 case and determine if the child, upon becoming ~~17~~ 18 years of age, should be placed on
488 probation, have his or her sentence reduced, be transferred to the Department of
489 Corrections for the remainder of the original sentence, or be subject to any other
490 determination authorized by law."

491 **SECTION 3-20.**

492 Said title is further amended by revising subsection (q) of Code Section 49-5-12, relating to
493 licensing and inspection of child welfare agencies, standards, revocation or refusal of license,
494 penalties, and violations, as follows:

495 "(q) No person, official, agency, hospital, maternity home, or institution, public or private,
496 in this state shall receive or accept a child under ~~17~~ 18 years of age for placement or
497 adoption or place such a child, either temporarily or permanently, in a home other than the
498 home of the child's relatives without having been licensed or commissioned by the
499 department. Notwithstanding the provisions of Code Section 49-5-12.1, violation of this
500 subsection shall be punishable by a fine of not less than \$500.00 nor exceeding \$1,000.00
501 for each offense. Nothing in this Code section shall be construed to prohibit a properly
502 licensed attorney at law from providing necessary legal services and counsel to parties
503 engaged in or contemplating adoption proceedings. Nothing in this Code section shall be
504 construed to prohibit an individual seeking to:

505 (1) Adopt a child or children from receiving or accepting a child or children in the
506 individual's home in anticipation of filing a petition for adoption under Article 1 of
507 Chapter 8 of Title 19; or

508 (2) Have that individual's child or children placed for adoption from placing that
509 individual's child or children in the home of an individual who is not related to the child

510 or children in anticipation of the individual's initiation of adoption proceedings pursuant
511 to Article 1 of Chapter 8 of Title 19."

512 **SECTION 3-21.**

513 Said title is further amended by revising paragraph (1) of Code Section 49-5-90, relating to
514 definitions, as follows:

515 "(1) 'Child in care' means any person under the age of ~~17~~ 18 years who has been admitted
516 to, is cared for, or resides in a facility."

517 **PART IV**

518 **SECTION 4-1.**

519 (a) This part and Part I of this Act shall become effective upon their approval by the
520 Governor or upon their becoming law without such approval.

521 (b) Parts II and III of this Act shall become effective January 1, 2025, provided that the
522 funds necessary for the implementation of those parts in the 2024-2025 fiscal year are
523 contained in specific line item appropriations in the General Appropriations Act for the
524 2024-2025 fiscal year. The determination of whether such specific line item appropriations
525 are contained in the General Appropriations Act for the 2024-2025 fiscal year shall be made
526 by the cochairpersons of the implementation committee provided for in Code
527 Section 15-11-42. If such specific line item appropriations are not contained in the General
528 Appropriations Act for the 2024-2025 fiscal year, then Parts II and III of this Act shall not
529 become effective on January 1, 2025, but shall be deferred until specific line item
530 appropriations for implementation of such parts are contained in a General Appropriations
531 Act. If such funding is provided for in a subsequent General Appropriations Act and the
532 cochairpersons of the implementation committee provided for in Code Section 15-11-42
533 certify that such funding exists, such parts shall become effective on January 1 of such fiscal

534 year. If such funding is not made available by January 1, 2030, then such parts shall be
535 repealed by operation of law on January 1, 2030.

536 **SECTION 4-2.**

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