

House Bill 873 (COMMITTEE SUBSTITUTE)

By: Representatives Gunter of the 8th, Smith of the 18th, Burchett of the 176th, Reeves of the 99th, Leverett of the 123rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 create juvenile treatment court divisions; to provide alternative adjudication to the traditional
3 judicial system; to provide definitions; to provide for assignment of cases; to provide for
4 planning groups and work plans; to provide for standards; to provide for staffing and
5 expenses; to provide for completion of juvenile treatment court division programs; to provide
6 for records, fees, grants, and donations; to revise a definition; to provide for related matters;
7 to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
11 subsection (a) of Code Section 15-1-18, relating to Council of Accountability Court Judges
12 of Georgia, as follows:

13 "(a) As used in this Code section, the term:

14 (1) 'Accountability court' means a superior, state, or juvenile court that has a drug court
15 division, mental health court division, veterans court division, juvenile treatment court

16 division, or operating under the influence court division, or a juvenile court that has a
 17 family treatment court division.

18 (2) 'Council' means the Council of Accountability Court Judges of Georgia."

19 **SECTION 2.**

20 Said title is further amended in Chapter 11, relating to the juvenile code, by adding a new
 21 Code section to read as follows:

22 "15-11-71.

23 (a)(1) As used in this subsection, the term 'risk and needs assessment' means an actuarial
 24 tool approved by the Council of Accountability Court Judges of Georgia and validated
 25 on a target population that is scientifically proven to determine an individual's risk to
 26 recidivate and to identify criminogenic risk factors that, when properly addressed, can
 27 reduce such individual's likelihood of committing future delinquent or criminal behavior.

28 (2) As used in this subsection, the term 'child' has the same meaning as defined in Code
 29 Section 15-11-2.

30 (3) Any juvenile court may establish a juvenile treatment court division to provide an
 31 alternative to the traditional judicial system for the disposition of juvenile delinquency
 32 and child in need of services cases, provided that nothing in this Code section shall
 33 extend a court's ability to incarcerate a child. The goal of a juvenile treatment court
 34 division is to reduce the likelihood of family disruption or removal to an alternative
 35 placement, reduce the use of detention and commitments to the state, reduce recidivism,
 36 and increase likelihood of successful rehabilitation through early, continuous, and intense
 37 judicially supervised treatment by:

38 (A) Reducing alcohol or drug abuse and addiction in the child;

39 (B) Treating the mental and behavioral health and related needs of the child;

40 (C) Increasing the educational, personal, familial, and societal accountability of the
 41 child;

- 42 (D) Preventing and reducing gang involvement and affiliation; and
43 (E) Promoting effective intervention and use of resources among child welfare
44 personnel, law enforcement agencies, treatment providers, community agencies, the
45 department of juvenile justice, independent probation officers, and the courts.
- 46 (4) In any delinquency or child in need of services proceeding, when the child meets the
47 eligibility criteria for the juvenile treatment court division and consents to the
48 participation, such case may be assigned to the juvenile treatment court:
- 49 (A) Prior to the entry of adjudication if the prosecuting attorney or other petitioner
50 consents;
- 51 (B) As part of a disposition in a case; or
- 52 (C) Upon modification or revocation of probation or a new petition for a violation of
53 probation.
- 54 (5) Each juvenile treatment court division shall establish a planning group to develop a
55 work plan. The planning group shall include the judges, prosecuting attorneys, sheriffs
56 or their designees, public defenders, community supervision officers, and probation
57 officers and may include other individuals and agencies that the court finds have
58 expertise in services available to children. The work plan shall address the operations,
59 coordination, resource management, information management, and evaluation needs of
60 the juvenile treatment court division. The work plan shall include juvenile treatment
61 court division policies and practices related to the implementation of the standards and
62 practices developed pursuant to this paragraph. The work plan shall ensure a risk and
63 needs assessment is used to identify the likelihood of recidivating and identify the needs
64 that, when met, reduce recidivism. The work plan shall include eligibility criteria for the
65 juvenile treatment court division. The juvenile treatment court division shall combine
66 judicial supervision, treatment of juvenile treatment court division participants, drug
67 testing, and mental health treatment.

68 (6)(A) The Council of Accountability Court Judges of Georgia shall establish standards
69 and practices for juvenile treatment court divisions, taking into consideration guidelines
70 and principles based on current research and findings that are published by experts on
71 the health needs and treatment options for children. Standards and practices shall
72 include, but shall not be limited to, the use of a risk and needs assessment to identify
73 the likelihood of recidivating and identify the needs that, when met, reduce recidivism.
74 The Council of Accountability Court Judges of Georgia shall update its standards and
75 practices to incorporate research, findings, and developments in the juvenile treatment
76 court field. The Council of Accountability Court Judges of Georgia may further adopt
77 standards and practices for separate tracks of juvenile treatment courts such as, but not
78 limited to, a juvenile drug court track or a juvenile mental health court track. Each
79 juvenile treatment court division shall adopt policies and practices that are consistent
80 with the standards and practices published by the Council of Accountability Court
81 Judges of Georgia.

82 (B) The Council of Accountability Court Judges of Georgia shall provide technical
83 assistance to the juvenile treatment court division to assist them with the
84 implementation of policies and practices, including, but not limited to, guidance on the
85 implementation of risk and needs assessments in the juvenile treatment court division.

86 (C) The Council of Accountability Court Judges of Georgia shall create and manage
87 a certification and peer review process to ensure juvenile treatment court divisions are
88 adhering to the Council of Accountability Court Judges of Georgia's standards and
89 practices and shall create a waiver process for juvenile treatment court divisions to seek
90 an exception to the Council of Accountability Court Judges of Georgia's standards and
91 practices. In order to receive state appropriated funds, any juvenile treatment court
92 division established on and after July 1, 2026, shall be certified pursuant to this
93 subparagraph or, for good cause shown to the Council of Accountability Court Judges

94 of Georgia, shall receive a waiver from the Council of Accountability Court Judges of
95 Georgia.

96 (D) On and after July 1, 2026, the award of any state funds for a juvenile treatment
97 court division shall be conditioned upon a juvenile treatment court division attaining
98 certification or a waiver by the Council of Accountability Court Judges of Georgia. On
99 or before December 1, 2026, the Council of Accountability Court Judges of Georgia
100 shall publish an annual report listing certified juvenile treatment court divisions.

101 (E) The Council of Accountability Court Judges of Georgia shall develop and manage
102 an electronic information system for performance measurement and accept submission
103 of performance data in a consistent format from all juvenile treatment court divisions.
104 The Council of Accountability Court Judges of Georgia shall identify elements
105 necessary for performance measurement, including, but not limited to, recidivism of
106 participants in juvenile treatment court division, drug testing results, number of
107 moderate-risk and high-risk participants in a juvenile treatment court division,
108 participant educational improvement, the number of participants who successfully
109 complete the program, and the number of participants who did not complete the
110 program.

111 (F) On or before July 1, 2026, and every three years thereafter, the Council of
112 Accountability Court Judges of Georgia shall conduct a performance peer review of the
113 juvenile treatment court divisions for the purpose of improving juvenile treatment court
114 division policies and practices and the certification and recertification process.

115 (7) The court instituting the juvenile treatment court division may request any of the
116 following individuals to serve in the juvenile treatment court division:

117 (A) One or more prosecuting attorneys designated by the prosecuting attorney for the
118 jurisdiction; and

119 (B) One or more defense attorneys designated by the public defender, comparable
120 agency, or other means.

121 (8) The clerk of the juvenile court that is instituting the juvenile treatment court division
122 or such clerk's designee shall serve as the clerk of the juvenile treatment court division.

123 (9) The court instituting the juvenile treatment court division may request other
124 employees of the court, including, but not limited to, community supervision officers,
125 probation officers, Department of Juvenile Justice probation officers, other employees of
126 the court, and other interested agencies to perform duties for the juvenile treatment court
127 division. Such individuals shall perform duties as directed by the judges of the juvenile
128 treatment court division.

129 (10) The court instituting the juvenile treatment court division may enter into agreements
130 with other courts and agencies for the assignment of personnel and probation supervision
131 from other courts and agencies to the juvenile treatment court division.

132 (11) Expenses for salaries, equipment, services, and supplies incurred in implementing
133 this Code section may be paid from state funds, funds of the county or political
134 subdivision implementing such juvenile treatment court division, federal grant funds, and
135 funds from private donations.

136 (b) Each juvenile treatment court division shall establish written criteria which define the
137 successful completion of the juvenile treatment court division program and which may
138 provide for dismissal of charges upon successful completion. Programs may be
139 pre-adjudication or post-adjudication. Any admission or plea of nolo contendere entered
140 pursuant to this Code section shall not be withdrawn without the consent of the court.

141 (c) Any statement made by a juvenile treatment court division participant as part of
142 participation in such court division, or any report made by the staff of such court division
143 or program connected to such court division, regarding a participant's substance usage shall
144 not be admissible as evidence against the participant in any legal proceeding or
145 prosecution; provided, however, that, if the participant violates the conditions of his or her
146 participation in the program or is terminated from the juvenile treatment court division, the
147 reasons for the violation or termination may be considered in sanctioning, sentencing, or

148 otherwise disposing of the participant's case. Any attorney representing such child shall
149 have full access to records of such child's participation. Such child shall receive credit for
150 participation in such program against any future disposition in the same matter.

151 (d) Notwithstanding any provision of law to the contrary, the juvenile treatment court
152 division shall be provided, upon request, with access to all records relevant to the treatment
153 of the juvenile treatment court division participant from any state or local government
154 agency. All records and proceedings of the juvenile treatment court, including, but not
155 limited to, the contents of any case management system, shall be treated as confidential,
156 shall not be disclosed to any person outside of the juvenile treatment court division, and
157 shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records, or
158 subject to subpoena, discovery, or introduction into evidence in any civil or criminal
159 proceeding. Such records and the contents thereof shall be maintained by the juvenile
160 treatment court division in a confidential file not available to the public.

161 (e) Any fees received by a juvenile treatment court division from a juvenile treatment court
162 division participant as payment for treatment and services shall not be considered as court
163 costs or a fine.

164 (f) The court may have the authority to accept grants, donations, and other proceeds from
165 outside sources for the purpose of supporting the juvenile treatment court division. Any
166 such grants, donations, or proceeds shall be retained by the juvenile treatment court
167 division for expenses."

168 **SECTION 3.**

169 This Act shall become effective on July 1, 2024.

170 **SECTION 4.**

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