

The Senate Committee on Judiciary offered the following substitute to SB 61:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to delinquency, so as to provide for additional offenses over which superior courts  
3 are authorized to exercise exclusive original jurisdiction for the trials of children 13 to 17  
4 years of age to include the offenses of certain terroristic acts involving public and private  
5 schools and attempt or criminal conspiracy to commit certain offenses; to repeal a provision  
6 that limited superior courts from exercising exclusive original jurisdiction over the trials of  
7 children 13 to 17 years of age alleged to have committed aggravated assault only in certain  
8 cases involving the use of a firearm upon a public safety officer; to provide for which such  
9 cases shall be subject to the class A designated felony act provisions of Code  
10 Section 15-11-602 upon transfer to a juvenile court; to make conforming changes by  
11 including such additional offenses in the list of offenses for which juvenile and superior  
12 courts shall consider certain criteria when determining whether to transfer cases; to amend  
13 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
14 secondary education, so as to provide for information sharing by juvenile courts, superior  
15 courts, and certain state agencies with public schools when children are subject to electronic  
16 monitoring and other restrictions; to provide for the criminal offenses of terroristic threat of  
17 a school and terroristic act upon a school; to provide for penalties; to require annual site  
18 threat assessments at each public school in this state; to require that such assessments inform

19 school safety plans; to provide for who may conduct such assessments; to revise provisions  
20 for school safety plans; to provide for definitions; to provide for related matters; to provide  
21 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Article 6 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
25 delinquency, is amended by revising Code Section 15-11-560, relating to concurrent and  
26 original jurisdiction of superior court, as follows:

27 "15-11-560.

28 (a) Except as provided in subsection (b) of this Code section, the court shall have  
29 concurrent jurisdiction with the superior court over a child who is alleged to have  
30 committed a delinquent act which would be considered a crime if tried in a superior court  
31 and for which an adult may be punished by loss of life, imprisonment for life without  
32 possibility of parole, or confinement for life in a penal institution.

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

- 35 (1) Murder;
- 36 (2) Murder in the second degree;
- 37 (3) Voluntary manslaughter;
- 38 (4) Rape;
- 39 (5) Aggravated sodomy;
- 40 (6) Aggravated child molestation;
- 41 (7) Aggravated sexual battery;
- 42 (8) Armed robbery if committed with a firearm;

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

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

47 (11) A terroristic act upon a school in violation of subsection (c) of Code  
48 Section 20-2-1181.1;

49 (12) Attempt to commit or conspiracy to commit murder; or

50 (13) Attempt to commit or conspiracy to commit any of the offenses provided for in  
51 paragraphs (4), (5), (6), (7), (8), (9), (10), and (11) of this subsection.

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

55 (d)(1) At any time before indictment, the district attorney may, after investigation and  
56 for cause, decline prosecution in the superior court of a child 13 to 17 years of age alleged  
57 to have committed an offense specified in subsection (b) of this Code section. Upon  
58 declining such prosecution in the superior court, the district attorney shall cause a petition  
59 to be filed in the appropriate juvenile court for adjudication within 72 hours if the child  
60 is in detention or 30 days if the child is not in detention.

61 (2)(A) Except as provided in paragraph (8) of subsection (b) of Code  
62 Section 15-11-602 or subparagraph (B) of this paragraph, any case transferred by the  
63 district attorney to the juvenile court pursuant to this subsection shall be subject to the  
64 class A designated felony act provisions of Code Section 15-11-602, and the transfer  
65 of the case from superior court to juvenile court shall constitute notice to such child that  
66 such case is subject to the class A designated felony act provisions of Code  
67 Section 15-11-602.

68 (B) Any case transferred by the district attorney to the juvenile court pursuant to this  
69 subsection involving a child 13 to 17 years of age alleged to have committed an offense

70 specified in paragraph (13) of subsection (b) of this Code section shall not be subject  
71 to subparagraph (A) of this paragraph.

72 (e)(1) After indictment, the superior court may after investigation transfer to the juvenile  
73 court any case involving a child 13 to 17 years of age alleged to have committed any act  
74 described in paragraph (3), (5), (6), (7), (9), ~~or (10), (11), (12), or (13)~~ of subsection (b)  
75 of this Code section. In considering the transfer of such case, the court shall consider the  
76 criteria set forth in Code Section 15-11-562. Any such transfer shall be appealable by the  
77 State of Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior  
78 court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court  
79 shall terminate.

80 (2)(A) Except as provided in paragraph (8) of subsection (b) of Code  
81 Section 15-11-602 or subparagraph (B) of this paragraph, any case transferred by the  
82 superior court to the juvenile court pursuant to this subsection shall be subject to the  
83 class A designated felony act provisions of Code Section 15-11-602, and the transfer  
84 of the case from superior court to juvenile court shall constitute notice to such child that  
85 such case is subject to the class A designated felony act provisions of Code  
86 Section 15-11-602.

87 (B) Any case transferred by the superior court to the juvenile court pursuant to this  
88 subsection involving a child 13 to 17 years of age alleged to have committed an offense  
89 specified in paragraph (13) of subsection (b) of this Code section shall not be subject  
90 to subparagraph (A) of this paragraph.

91 (f) The superior court may transfer any case involving a child 13 to 17 years of age alleged  
92 to have committed any offense enumerated in subsection (b) of this Code section and  
93 convicted of a lesser included offense not included in subsection (b) of this Code section  
94 to the juvenile court of the county of such child's residence for disposition. Upon such a  
95 transfer by the superior court, jurisdiction shall vest in the juvenile court and jurisdiction  
96 of the superior court shall terminate.

97 (g) Within 30 days of any proceeding in which a child 13 to 17 years of age is convicted  
98 of certain offenses over which the superior court has original jurisdiction as provided in  
99 subsection (b) of this Code section or adjudicated as a delinquent child on the basis of  
100 conduct which if committed by an adult would constitute such offenses, the superior court  
101 shall provide written notice to the school superintendent or his or her designee of the school  
102 in which such child is enrolled or, if the information is known, of the school in which such  
103 child plans to be enrolled at a future date. Such notice shall include the specific criminal  
104 offense that such child committed. The local school system to which such child is assigned  
105 may request further information from the court's file.

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

109

## SECTION 2.

110 Said article is further amended by revising subsection (a) of Code Section 15-11-562, relating  
111 to transfer criteria and written report, as follows:

112 "(a) The criteria that the juvenile court shall consider in determining whether to transfer  
113 an alleged delinquent child as set forth in subsection (a) of Code Section 15-11-561 to  
114 superior court and the criteria that the superior court shall consider in determining whether  
115 to transfer any case involving a child 13 to 17 years of age alleged to have committed any  
116 act described in paragraph (3), (5), (6), (7), (9), or (10), ~~(11), (12), or (13)~~ of subsection (b)  
117 of Code Section 15-11-560 to juvenile court as set forth in subsection (e) of Code  
118 Section 15-11-560 includes, but shall not be limited to:

- 119 (1) The age of such child;  
120 (2) The seriousness of the alleged offense, especially if personal injury resulted;  
121 (3) Whether the protection of the community requires transfer of jurisdiction;

- 122 (4) Whether the alleged offense involved violence or was committed in an aggressive or  
123 premeditated manner;
- 124 (5) The impact of the alleged offense on the alleged victim, including the permanence  
125 of any physical or emotional injury sustained, health care expenses incurred, and lost  
126 earnings suffered;
- 127 (6) The culpability of such child including such child's level of planning and  
128 participation in the alleged offense;
- 129 (7) Whether the alleged offense is a part of a repetitive pattern of offenses which  
130 indicates that such child may be beyond rehabilitation in the juvenile justice system;
- 131 (8) The record and history of such child, including experience with the juvenile justice  
132 system, other courts, supervision, commitments to juvenile institutions, and other  
133 placements;
- 134 (9) The sophistication and maturity of such child as determined by consideration of his  
135 or her home and environmental situation, emotional condition, and pattern of living;
- 136 (10) The program and facilities available to the juvenile court in considering disposition;  
137 and
- 138 (11) Whether or not a child can benefit from the treatment or rehabilitative programs  
139 available to the juvenile court."

140

**SECTION 3.**

141 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
142 secondary education, is amended by revising Code Section 20-2-701, relating to  
143 responsibility for reporting truants to juvenile or other courts, as follows:

144 "20-2-701.

145 (a) Local school superintendents as applied to private schools, the Department of  
146 Education as applied to home study programs, or visiting teachers and attendance officers  
147 as applied to public schools, after written notice to the parent or guardian of a child, shall

148 report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any  
149 child who is absent from a public or private school or a home study program in violation  
150 of this subpart. If the judge of the court places such child in a home or in a public or  
151 private institution pursuant to Chapter 11 of Title 15, school shall be provided for such  
152 child. The Department of Education shall coordinate with local school superintendents  
153 with respect to attendance records and notification for students in home study programs.

154 (b)(1) Except as prohibited by Code Section 15-11-710, each superior court and juvenile  
155 court in this state and the Department of Juvenile Justice, the Department of Human  
156 Services, and the Division of Family and Children Services shall notify the local school  
157 system or other public school in which a child is enrolled or would be enrolled by virtue  
158 of his or her residence when such court or state agency has ordered that such child shall  
159 be subject to electronic monitoring, as such term is defined in Code Section 42-3-111; an  
160 intensive supervision program; or a home confinement program.

161 (2) A local school system or public school that receives information provided for in  
162 paragraph (1) of this subsection shall:

163 (A) Maintain the confidential nature of such information; and

164 (B) Be authorized to utilize such information for purposes of promoting and protecting  
165 the safety of such child and the school community.

166 (3) There shall be no presumption that a local school system will utilize the information  
167 provided for in paragraph (1) of this subsection to the detriment of such child."

168 **SECTION 4.**

169 Said chapter is further amended in Article 27, relating to loitering at or disrupting schools,  
170 by adding a new Code section to read as follows:

171 "20-2-1181.1.

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

173 (1) 'Hazardous substance' shall have the same meaning as set forth in Code  
174 Section 12-8-92.

175 (2) 'Weapon' shall have the same meaning as set forth in Code Section 16-5-44.1. Such  
176 term shall include, but shall not be limited to, each item included in paragraph (4) of  
177 subsection (a) of Code Section 16-11-127.1.

178 (b) A person commits the offense of a terroristic threat of a school when he or she  
179 threatens to commit any crime of violence, release any hazardous substance, or burn or  
180 damage property and such threat is made:

181 (1) With the purpose of terrorizing another who at the time of such threat is physically  
182 present:

183 (A) On public or private school operated property, including, but not limited to, school  
184 buildings and school grounds, or on a playground or recreational area that is adjacent  
185 to such property and that is used primarily by persons under 18 years of age;

186 (B) On a school bus or other vehicle furnished by a public or private school for the  
187 transportation of students; or

188 (C) At a public or private school sponsored activity;

189 (2) With the purpose of causing the evacuation of:

190 (A) Public or private school operated property, including, but not limited to, school  
191 buildings and school grounds, or a playground or recreational area that is adjacent to  
192 such property and that is used primarily by persons under 18 years of age; or

193 (B) A school bus or other vehicle furnished by a public or private school for the  
194 transportation of students; or

195 (3) In reckless disregard of the risk of causing the terror or evacuation described in  
196 paragraph (1) or (2) of this subsection.

197 (c) A person commits the offense of a terroristic act upon a school when he or she commits  
198 an act of using a weapon or flaming symbol or flambeau, releasing any hazardous  
199 substance or any simulated hazardous substance under the guise of a hazardous substance,

200 or, while not in the commission of a lawful act, shooting at or throwing an object at a  
201 conveyance which is being operated or which is occupied by passengers and such act is  
202 committed:

203 (1) With the purpose of terrorizing another who at the time of such act is physically  
204 present:

205 (A) On public or private school operated property, including, but not limited to, school  
206 buildings and school grounds, or on a playground or recreational area that is adjacent  
207 to such property and that is used primarily by persons under 18 years of age;

208 (B) On a school bus or other vehicle furnished by a public or private school for the  
209 transportation of students; or

210 (C) At a public or private school sponsored activity;

211 (2) With the purpose of causing the evacuation of:

212 (A) Public or private school operated property, including, but not limited to, school  
213 buildings and school grounds, or a playground or recreational area that is adjacent to  
214 such property and that is used primarily by persons under 18 years of age; or

215 (B) A school bus or other vehicle furnished by a public or private school for the  
216 transportation of students; or

217 (3) In reckless disregard of the risk of causing the terror or evacuation described in  
218 paragraph (1) or (2) of this subsection.

219 (d)(1) A person convicted of the offense of a terroristic threat of a school shall be  
220 punished as for a misdemeanor; provided, however, that, if the threat suggested the death  
221 of any person, the person shall be guilty of a felony and upon conviction thereof shall be  
222 punished by a fine of not more than \$1,000.00, imprisonment for not less than one nor  
223 more than five years, or both; and provided, further, that, if any person suffers a serious  
224 physical injury as a direct result of a threat giving rise to a conviction under  
225 subsection (b) of this Code section, the person shall be guilty of a felony and upon

226 conviction thereof shall be punished by a fine of not more than \$250,000.00,  
227 imprisonment for not less than five nor more than 40 years, or both.

228 (2) A person convicted of the offense of a terroristic act upon a school shall be guilty of  
229 a felony and upon conviction thereof shall be punished by a fine of not more  
230 than \$5,000.00, imprisonment for not less than one nor more than ten years, or both;  
231 provided, however, that, if any person suffers a serious physical injury as a direct result  
232 of an act giving rise to a conviction under subsection (c) of this Code section, the person  
233 shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not  
234 more than \$250,000.00, imprisonment for not less than five nor more than 40 years, or  
235 both."

236 **SECTION 5.**

237 Said chapter is further amended by revising Code Section 20-2-1185, relating to school  
238 safety plans and drills, as follows:

239 "20-2-1185.

240 (a) As used in this Code section, the term 'site threat assessment' means conducting an  
241 evaluation for purposes of most effectively preventing, reducing, or responding to threats  
242 of violence, mass casualty incidents and other acts of terrorism, natural disasters, and  
243 hazardous materials accidents.

244 (b)(1) By June 1 of each year, each public school in this state shall have performed a site  
245 threat assessment of its buildings, facilities, and campuses by a law enforcement agency  
246 or other appropriate government agency or by an individual or entity certified and  
247 approved pursuant to paragraph (2) of this subsection. Such site threat assessment shall  
248 inform the preparation and maintenance of a school safety plan as provided for in  
249 subsection (c) of this Code section.

250 (2) The Georgia Emergency Management and Homeland Security Agency shall be  
251 exclusively authorized to certify and approve private individuals and entities to provide

252 site threat assessments to public schools in this state. Beginning January 1, 2026, the  
253 Georgia Emergency Management and Homeland Security Agency shall maintain a list  
254 of individuals and entities that are certified and approved for purposes of this Code  
255 section to provide site threat assessments to public schools.

256 (c)(1) Each Every public school in this state shall prepare and annually review and  
257 update as necessary a school safety plan to help curb the growing incidence of violence  
258 in schools, to respond effectively to such incidents, and to provide a safe learning  
259 environment for Georgia's children, teachers, and other school personnel. Such plan shall  
260 also address preparedness for natural disasters, hazardous materials or radiological  
261 accidents, acts of violence, and acts of terrorism. School safety plans of public schools  
262 shall be prepared with input from students enrolled in that school, parents or legal  
263 guardians of such students, teachers in that school, community leaders, other school  
264 employees and school district employees, and local law enforcement, juvenile court, fire  
265 service, public safety, and emergency management agencies. As part of such plans,  
266 public schools shall provide for the coordination with local law enforcement agencies and  
267 the local juvenile court system. Such plans of public schools shall be submitted to the  
268 local law enforcement agency designated as having approval authority by the local board  
269 of education.

270 (2) School safety plans shall include, at a minimum, the following strategy areas:

271 ~~(1)~~(A) Training school administrators, teachers, and support staff, including, but not  
272 limited to, school resource officers, security officers, secretaries, custodians, and bus  
273 drivers, on school violence prevention, school security, school threat assessment,  
274 mental health awareness, and school emergency planning best practices;

275 ~~(2)~~(B) Evaluating and refining school security measures;

276 ~~(3)~~(C) Updating and exercising school emergency preparedness plans;

277 ~~(4)~~(D) Strengthening partnerships with public safety officials; and

278 ~~(5)~~(E) Creating enhanced crisis communications plans and social media strategies;

279 (F) Addressing security issues in school safety zones, as defined in Code  
280 Section 16-11-127.1;

281 (G) Addressing security issues involving school functions held during noninstructional  
282 hours; and

283 (H) Addressing security issues involving the transportation of students to and from  
284 school and school functions when such transportation is furnished by the school.

285 (3) The school safety plan of each public school shall be submitted to the Department of  
286 Education after the approval of such plan by a local law enforcement agency designated  
287 as having approval authority by the local board of education. The Department of  
288 Education shall publish on its public website a list of all public schools that have  
289 completed and all public schools that are delinquent in completing the site threat  
290 assessment required in subsection (b) of this Code section.

291 (d) School safety plans of private schools may be prepared with input from students  
292 enrolled in that school, parents or legal guardians of such students, teachers in that school,  
293 other school employees, and local law enforcement, fire service, public safety, and  
294 emergency management agencies. Such plans shall be reviewed and, if necessary, updated  
295 annually. Such plans of public schools shall be submitted to the local emergency  
296 management agency, the local law enforcement agency, and the Georgia Emergency  
297 Management and Homeland Security Agency for approval.

298 (b)(e) A public school may request funding assistance from the state for facilities,  
299 technology, or other safety improvements or initiatives, such as the installation of safety  
300 equipment, including, but not limited to, video surveillance cameras, metal detectors,  
301 alarms, communications systems, building access controls, and other similar security  
302 devices. The Department of Education shall establish criteria that will be applied in  
303 reviewing funding requests pursuant to this subsection which shall take into consideration  
304 the physical security needs of the public school in evaluating how the school safety plan  
305 and funding request will support such physical security needs. Funding may be provided

306 to a public school in accordance with a school safety plan prepared by the school and  
307 approved by the local board of education, the local law enforcement agency, the  
308 Department of Education, and the Georgia Emergency Management and Homeland  
309 Security Agency as provided for in subsection (c) of this Code section; provided, however,  
310 that a public school shall be required to match the state funding with local funds unless the  
311 school can demonstrate a substantial hardship.

312 ~~(c) School safety plans prepared by public schools shall address security issues in school~~  
313 ~~safety zones as defined in Code Section 16-11-127.1. School safety plans should also~~  
314 ~~address security issues involving the transportation of pupils to and from school and school~~  
315 ~~functions when such transportation is furnished by the school or school system and school~~  
316 ~~functions held during noninstructional hours.~~

317 ~~(d)~~(f) The Georgia Emergency Management and Homeland Security Agency shall provide  
318 training and technical assistance to public school systems, and may provide this same  
319 training and technical assistance to private school systems and independent private schools  
320 throughout this state in the area of emergency management and safe school operations.  
321 This training and technical assistance shall include, but not be limited to, crisis response  
322 team development, site surveys and ~~safety audits~~ site threat assessments, crisis management  
323 planning, exercise design, safe school planning, emergency operations planning, search and  
324 seizure, bomb threat management, and model school safety plans.

325 ~~(e)~~(g)(1) Every public school shall conduct drills with students, school administrators,  
326 teachers, and other school personnel on the execution of school safety plans in such form  
327 and at such intervals based upon guidance from the Georgia Emergency Management and  
328 Homeland Security Agency.

329 (2) By October 1 of each school year, every public school shall conduct an intruder alert  
330 drill for students, school administrators, teachers, and other school personnel based upon  
331 guidance from the Georgia Emergency Management and Homeland Security Agency.  
332 Each local school system or public school governing body shall promptly report to the

333 Georgia Emergency Management and Homeland Security Agency the completion of such  
334 drills. All students shall participate in intruder alert drills provided for in this paragraph;  
335 provided, however, that the governing body of a local school system or public school may  
336 provide an option for a child's parent or legal guardian to elect, in writing, that such child  
337 not participate in intruder alert drills. As used in this paragraph, the term 'intruder alert  
338 drill' means a set of procedures designed to familiarize the occupants of a building with  
339 ways to protect themselves against potential threats posed by an intruder who possesses  
340 or is suspected of possessing a weapon, as defined in Code Section 20-2-742."

341 **SECTION 6.**

342 This Act shall become effective upon its approval by the Governor or upon its becoming law  
343 without such approval; provided, however, that Section 4 of this Act shall be applicable to  
344 offenses committed on or after such date.

345 **SECTION 7.**

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