

House Bill 1061

By: Representatives Camp of the 135th, Burchett of the 176th, Reeves of the 99th, Gunter of the 8th, Santos of the 117th, and others

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 "Mandi Ballinger 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:

PART I
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 'Mandi Ballinger 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 Judiciary Juvenile;

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

23 (3) The commissioner 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 Judiciary Juvenile 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 cochairpersons.

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 cochairpersons, including the
43 president of the Georgia Association of Chiefs of Police, the executive director of the
44 Georgia Public Safety Training Center, attorneys who regularly practice in the juvenile
45 courts, and advocates for children and youth, on matters relating to implementing raising
46 the juvenile age, including equipment, security, and technological aspects in connection to
47 raising the 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, 2027, and shall stand abolished
52 on December 31, 2028.

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, 2028.

62 (f) This Code section shall stand repealed in its entirety on January 1, 2029."

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 and data on child detained, 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;

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

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

127 (12) Attempt to commit murder.

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

131 (d) At any time before indictment, the district attorney may, after investigation and for
132 cause, decline prosecution in the superior court of a child 13 to ~~17~~ 18 years of age alleged
133 to have committed an offense specified in subsection (b) of this Code section. Upon
134 declining such prosecution in the superior court, the district attorney shall cause a petition
135 to be filed in the appropriate juvenile court for adjudication within 72 hours if the child is

136 in detention or 30 days if the child is not in detention. Except as provided in paragraph (8)
137 of subsection (b) of Code Section 15-11-602, any case transferred by the district attorney
138 to the juvenile court pursuant to this subsection shall be subject to the class A designated
139 felony act provisions of Code Section 15-11-602, and the transfer of the case from superior
140 court to juvenile court shall constitute notice to such child that such case is subject to the
141 class A designated felony act provisions of Code Section 15-11-602.

142 (e)(1) After indictment, the superior court may after investigation transfer to the juvenile
143 court any case involving a child 13 to ~~17~~ 18 years of age alleged to have committed any
144 act described in paragraph (3), (5), (6), (7), (9), (10), (11), or (12) of subsection (b) of this
145 Code section. In considering the transfer of such case, the court shall consider the criteria
146 set forth in Code Section 15-11-562. Any such transfer shall be appealable by the State
147 of Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior court,
148 jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall
149 terminate.

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

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

162 (g) Within 30 days of any proceeding in which a child 13 to ~~17~~ 18 years of age is
 163 convicted of certain offenses over which the superior court has original jurisdiction as
 164 provided in subsection (b) of this Code section or adjudicated as a delinquent child on the
 165 basis of conduct which if committed by an adult would constitute such offenses, the
 166 superior court shall provide written notice to the school superintendent or his or her
 167 designee of the school in which such child is enrolled or, if the information is known, of
 168 the school in which such child plans to be enrolled at a future date. Such notice shall
 169 include the specific criminal offense that such child committed. The local school system
 170 to which such child is assigned may request further information from the court's file.

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

174 **SECTION 2-6.**

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

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

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

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

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

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

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

196 **SECTION 2-7.**

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

199 "(a) The criteria that the juvenile court shall consider in determining whether to transfer
200 an alleged delinquent child as set forth in subsection (a) of Code Section 15-11-561 to
201 superior court and the criteria that the superior court shall consider in determining whether
202 to transfer any case involving a child 13 to ~~17~~ 18 years of age alleged to have committed
203 any act described in paragraph (3), (5), (6), (7), (9), (10), (11), or (12) of subsection (b) of
204 Code Section 15-11-560 to juvenile court as set forth in subsection (e) of Code
205 Section 15-11-560 includes, but shall not be limited to:

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

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

227 **SECTION 2-8.**

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

233 **PART III**

234 **SECTION 3-1.**

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

238 "(a) As used in this Code section, the term ~~For the purposes of this Code section,~~
239 'conviction' means any felony conviction of a person who is at least ~~17~~ 18 years of age."

240 **SECTION 3-2.**

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

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

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

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

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

266 **SECTION 3-3.**

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

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

279 **SECTION 3-4.**

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

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

285 **SECTION 3-5.**

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

288 "(b) A person ~~17~~ 18 years of age or over commits the offense of obscene telephone contact
289 with a child if that person has telephone contact with an individual whom that person
290 knows or should have known is a child, and that contact involves any aural matter
291 containing explicit verbal descriptions or narrative accounts of sexually explicit nudity,
292 sexual conduct, sexual excitement, or sadomasochistic abuse which is intended to arouse
293 or satisfy the sexual desire of either the child or the person, provided that no conviction
294 shall be had for this offense on the unsupported testimony of the victim."

295 **SECTION 3-6.**

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

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

306 **SECTION 3-7.**

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

312 "17-9-3.

313 In all capital cases, other than those of homicide, when the verdict is 'guilty,' with a
314 recommendation for mercy, it shall be legal and shall mean imprisonment for life. When
315 the verdict is 'guilty,' without a recommendation for mercy, it shall be legal and shall mean
316 that the convicted person shall be sentenced to death. When it is shown that a person
317 convicted of a capital offense without a recommendation for mercy had not reached his
318 ~~seventeenth~~ or her eighteenth birthday at the time of the commission of the offense, the
319 punishment of such person shall not be death but shall be imprisonment for life."

320 **SECTION 3-8.**

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

323 "17-10-14.

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

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

338 **SECTION 3-9.**

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

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

345 **SECTION 3-10.**

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

348 "(4) 'Court' means:

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

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

368 **SECTION 3-11.**

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

371 "(5) 'Court' means:

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

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

390

SECTION 3-12.

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

393 "(7) 'Court' means:

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

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

413 **SECTION 3-13.**

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

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

433 **SECTION 3-14.**

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

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

439 **SECTION 3-15.**

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

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

450 **SECTION 3-16.**

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

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

455 **SECTION 3-17.**

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

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

461 **SECTION 3-18.**

462 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
463 by revising paragraph (6) of subsection (b) of Code Section 49-4A-2, relating to the Board
464 of Juvenile Justice created, membership, appointment, terms, chairperson, and duties, as
465 follows:

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

475 **SECTION 3-19.**

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

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

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

494 **SECTION 3-20.**

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

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

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

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

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

515 **SECTION 3-21.**

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

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

520 **PART IV**

521 **SECTION 4-1.**

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

524 (b) Parts II and III of this Act shall become effective January 1, 2029, provided that the
525 funds necessary for the implementation of those parts in the 2028-2029 fiscal year are
526 contained in specific line item appropriations in the General Appropriations Act for the
527 2028-2029 fiscal year. The determination of whether such specific line item appropriations
528 are contained in the General Appropriations Act for the 2028-2029 fiscal year shall be made
529 by the chairperson of the House Committee on Judiciary Juvenile and the chairperson of the
530 Senate Judiciary Committee. If such specific line item appropriations are not contained in
531 the General Appropriations Act for the 2028-2029 fiscal year, then Parts II and III of this Act
532 shall not become effective on January 1, 2029, but shall be deferred until specific line item
533 appropriations for implementation of such parts are contained in a General Appropriations
534 Act. If such funding is provided for in a subsequent General Appropriations Act and the
535 chairperson of the House Committee on Judiciary Juvenile and the chairperson of the Senate
536 Judiciary Committee certify that such funding exists, such parts shall become effective on

537 January 1 of such fiscal year. If such funding is not made available by January 1, 2034, then
538 such parts shall be repealed by operation of law on January 1, 2034.

539 **SECTION 4-2.**

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