

SENATE SUBSTITUTE TO HB 263:

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Chapter 6A of Title 35, Chapter 11 of Title 15, Article 2 of Chapter 13 of Title 19,  
2 and Title 49 of the Official Code of Georgia Annotated, relating to the Criminal Justice  
3 Coordinating Council, the Juvenile Code, family violence shelters, and social services,  
4 respectively, so as to allow the Criminal Justice Coordinating Council to receive and  
5 distribute federal Department of Justice grants; to provide for an advisory board to the  
6 council for juvenile justice issues; to provide for the membership of the board; to provide for  
7 the board's duties; to provide that certain entities and agencies share information with the  
8 council; to remove the responsibility and duties of the Department of Human Resources for  
9 such shelters and require the Criminal Justice Coordinating Council to have such  
10 responsibility and duties; to change provisions relating to the Roosevelt Warm Springs  
11 Institute for Rehabilitation; to provide for related matters; to repeal conflicting laws; and for  
12 other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Chapter 6A of Title 35 of the Official Code of Georgia Annotated, relating to the Criminal  
16 Justice Coordinating Council, is amended by revising Code Section 35-6A-7, relating to the  
17 functions and the authority of the council, as follows:

18 "35-6A-7.

19 The council is vested with the following functions and authority:

20 (1) To cooperate with and secure cooperation of every department, agency, or  
21 instrumentality in the state government or its political subdivisions in the furtherance of  
22 the purposes of this chapter;

23 (2) To prepare, publish in print or electronically, and disseminate fundamental criminal  
24 justice information of a descriptive and analytical nature to all components of the  
25 criminal justice system of this state, including law enforcement agencies, the courts,  
26 juvenile justice agencies, and correctional agencies;

- 27 (3) To serve as the state-wide clearing-house for criminal justice information and  
 28 research;
- 29 (4) To maintain a research program in order to identify and define significant criminal  
 30 justice problems and issues and effective solutions and to publish in print or  
 31 electronically special reports as needed;
- 32 (5) In coordination and cooperation with all components of the criminal justice system  
 33 of this state, to develop criminal justice legislative proposals and executive policy  
 34 proposals reflective of the priorities of the entire criminal justice system of this state;
- 35 (6) To serve in an advisory capacity to the Governor on issues impacting the criminal  
 36 justice system of this state;
- 37 (7) To coordinate high visibility criminal justice research projects and studies with a  
 38 state-wide impact, which studies and projects cross traditional system component lines;
- 39 (8) To convene periodically state-wide criminal justice conferences involving key  
 40 executives in the criminal justice system of this state and elected officials for the purpose  
 41 of developing, prioritizing, and publicizing a policy agenda for the criminal justice  
 42 system of this state;
- 43 (9) To provide for the interaction, communication, and coordination of all components  
 44 of the criminal justice system of this state for the purpose of improving this state's  
 45 response to crime and its effects;
- 46 (10) To administer gifts, grants, and donations for the purpose of carrying out this  
 47 chapter;
- 48 (11) To promulgate rules governing the approval of victim assistance programs as  
 49 provided for in Article 8 of Chapter 21 of Title 15; and
- 50 (12) To supervise the preparation, administration, and implementation of the three-year  
 51 juvenile justice plan as provided by this chapter; and
- 52 ~~(12)~~(13) To do any and all things necessary and proper to enable it to perform wholly  
 53 and adequately its duties and to exercise the authority granted to it."

## 54 SECTION 2.

55 Said chapter is further amended by adding two new Code sections to read as follows:

56 "35-6A-11.

57 (a) There is established an advisory board to the council which shall consist of at least 15  
 58 and not more than 33 members appointed by the Governor who have training, experience,  
 59 or special knowledge concerning the prevention and treatment of juvenile delinquency, the  
 60 administration of juvenile justice, or the reduction of juvenile delinquency and shall be  
 61 composed of:

- 62 (1) At least three members of the council, two of whom are not full-time government  
63 employees or elected officials;
- 64 (2) At least one locally elected official representing general purpose local government;
- 65 (3) Representatives of law enforcement and juvenile justice agencies, including juvenile  
66 and family court judges, prosecuting attorneys, attorneys for children and youth, and  
67 probation workers;
- 68 (4) Representatives of public agencies concerned with delinquency prevention or  
69 treatment, such as welfare, social services, mental health, education, special education,  
70 recreation, and youth services;
- 71 (5) Representatives of private nonprofit organizations, including individuals with a  
72 special focus on preserving and strengthening families, parent groups and parent self-help  
73 groups, youth development, delinquency prevention and treatment, neglected or  
74 dependent children, the quality of juvenile justice, education, and social services for  
75 children;
- 76 (6) Volunteers who work with delinquent children or potential delinquent children;
- 77 (7) Youth workers involved with programs that are alternatives to incarceration,  
78 including programs providing organized recreation activities;
- 79 (8) Individuals with special experience and competence in addressing problems related  
80 to school violence and vandalism and alternatives to suspension and expulsion; and
- 81 (9) Individuals with special experience and competence in addressing problems related  
82 to learning disabilities, emotional difficulties, child abuse and neglect, and youth  
83 violence.
- 84 (b)(1) A majority of the members of the advisory board, including the chairperson, shall  
85 not be full-time employees of the federal, state, or local government.
- 86 (2) At least one-fifth of the members of the advisory board shall be under 24 years of age  
87 at the time of their appointment.
- 88 (3) At least three members shall have been or shall currently be under the jurisdiction of  
89 the juvenile justice system of this state.
- 90 (c) Membership on the advisory board shall not constitute public office and no member  
91 shall be disqualified from holding public office by reason of his or her membership.
- 92 (d) The advisory board shall elect a chairperson from among its membership who must  
93 also be a member of the council. The advisory board may elect such other officers and  
94 committees as it considers appropriate.
- 95 (e) Members of the advisory board shall serve without compensation, although each  
96 member of the advisory board shall be reimbursed for actual expenses incurred in the  
97 performance of his or her duties from funds available to the office. Such reimbursement  
98 shall be limited to all travel and other expenses necessarily incurred through service on the

99 advisory board, in compliance with this state's travel rules and regulations. However, in  
 100 no case shall a member of the advisory board be reimbursed for expenses incurred in the  
 101 member's capacity as the representative of another state agency.

102 35-6A-12.

103 The advisory board shall:

104 (1) Meet at such times and places as it shall determine necessary or convenient to  
 105 perform its duties. The advisory board shall also meet on the call of the chairperson, the  
 106 director of the council, the chairperson of the council, or the Governor;

107 (2) Maintain minutes of its meetings;

108 (3) Participate in the development and review of this state's juvenile justice plan prior to  
 109 submission to the council for final action;

110 (4) Be afforded the opportunity to review and comment, not later than 30 days after their  
 111 submission to the advisory board, on all juvenile justice and delinquency prevention grant  
 112 applications submitted to the council;

113 (5) Using the combined expertise and experience of its members, provide regular advice  
 114 and counsel to the director of the council to enable the council to carry out its statutory  
 115 duties under this article; and

116 (6) Carry out such duties that may be required by federal law or regulation so as to  
 117 enable this state to receive and disburse federal funds for juvenile delinquency prevention  
 118 and treatment."

119 **SECTION 3.**

120 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile  
 121 Code, is amended by revising subsection (f) of Code Section 15-11-504, relating to place of  
 122 detention and data on child detained, as follows:

123 "(f) All facilities shall maintain data on each child detained and such data shall be recorded  
 124 and retained by the facility for three years and shall be made available for inspection during  
 125 normal business hours by any court exercising juvenile court jurisdiction, by DJJ, by the  
 126 Governor's Office for Children and Families, by the Criminal Justice Coordinating Council,  
 127 by the Administrative Office of the Courts, and by the Council of Juvenile Court Judges.  
 128 Such data shall be used by the inspecting agency for official purposes and shall not be  
 129 subject to release by such agency pursuant to Article 4 of Chapter 18 of Title 50, nor  
 130 subject to subpoena. The required data are each detained child's:

131 (1) Name;

132 (2) Date of birth;

133 (3) Sex;

- 134 (4) Race;
- 135 (5) Offense or offenses for which such child is being detained;
- 136 (6) Date of and authority for confinement;
- 137 (7) Location of the offense and the name of the school if the offense occurred in a school
- 138 safety zone, as defined in Code Section 16-11-127.1;
- 139 (8) The name of the referral source, including the name of the school if the referring
- 140 source was a school;
- 141 (9) The score on the detention assessment;
- 142 (10) The basis for detention if such child's detention assessment score does not in and
- 143 of itself mandate detention;
- 144 (11) The reason for detention, which may include, but shall not be limited to,
- 145 preadjudication detention, detention while awaiting a postdisposition placement, or
- 146 serving a short-term program disposition;
- 147 (12) Date of and authority for release or transfer; and
- 148 (13) Transfer or to whom released."

149 **SECTION 4.**

150 Said chapter is further amended by revising subsection (d) of Code Section 15-11-704,

151 relating to public inspection of court files and records, as follows:

152 "(d) A judge shall permit authorized representatives of DJJ, the Governor's Office for

153 Children and Families, the Criminal Justice Coordinating Council, the Administrative

154 Office of the Courts, and the Council of Juvenile Court Judges to inspect and extract data

155 from any court files and records for the purpose of obtaining statistics on children and to

156 make copies pursuant to the order of the court. Such data shall be used by the inspecting

157 agency for official purposes and shall not be subject to release by such agency pursuant to

158 Article 4 of Chapter 18 of Title 50, nor subject to subpoena."

159 **SECTION 5.**

160 Said chapter is further amended by revising subsection (d) of Code Section 15-11-708,

161 relating to separation of juvenile and adult records for law enforcement, as follows:

162 "(d) The court shall allow authorized representatives of DJJ, the Governor's Office for

163 Children and Families, the Criminal Justice Coordinating Council, the Administrative

164 Office of the Courts, and the Council of Juvenile Court Judges to inspect and copy law

165 enforcement records for the purpose of obtaining statistics on children. Such data shall be

166 used by the inspecting agency for official purposes and shall not be subject to release by

167 such agency pursuant to Article 4 of Chapter 18 of Title 50, nor subject to subpoena."

168

**SECTION 6.**

169 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
 170 by revising paragraph (3) of subsection (b) of Code Section 49-4A-2, relating to the duties  
 171 and responsibilities of the Board of Juvenile Justice, as follows:

172 "(3) Ensure that detention assessment, risk assessment, and risk and needs assessment  
 173 instruments that are utilized by intake personnel and courts are developed in consultation  
 174 with the Governor's Office for Children and Families, the Criminal Justice Coordinating  
 175 Council, and the Council of Juvenile Court Judges and ensure that such instruments are  
 176 validated at least every five years;"

177

**SECTION 7.**

178 Said title is further amended by revising subsection (n) of Code Section 49-4A-8, relating to  
 179 commitment of delinquent children and records, as follows:

180 "(n)(1) The department shall conduct a continuing inquiry into the effectiveness of  
 181 treatment methods it employs in seeking the rehabilitation of maladjusted children. To  
 182 this end, the department shall maintain a statistical record of arrests and commitments of  
 183 its wards subsequent to their discharge from the jurisdiction and control of the department  
 184 and shall tabulate, analyze, and publish in print or electronically annually these data so  
 185 that they may be used to evaluate the relative merits of methods of treatment. The  
 186 department shall cooperate and coordinate with courts, juvenile court clerks, the  
 187 Governor's Office for Children and Families, the Criminal Justice Coordinating Council,  
 188 and public and private agencies in the collection of statistics and information regarding:

189 (A) Juvenile delinquency;

190 (B) Arrests made;

191 (C) Detentions made, the offense for which such detention was authorized, and the  
 192 reason for each detention;

193 (D) Complaints filed;

194 (E) Informations filed;

195 (F) Petitions filed;

196 (G) The results of complaints, informations, and petitions, including whether such  
 197 filings were dismissed, diverted, or adjudicated;

198 (H) Commitments to the department, the length of such commitment, and releases from  
 199 the department;

200 (I) The department's placement decisions for commitments;

201 (J) Placement decisions to institutions, camps, or other facilities for delinquent children  
 202 operated under the direction of courts or other local public authorities;

203 (K) Community programs utilized and completion data for such programs;

- 204 (L) Recidivism;
- 205 (M) Data collected by juvenile court clerks pursuant to Code Section 15-11-64; and
- 206 (N) Other information useful in determining the amount and causes of juvenile
- 207 delinquency in this state.
- 208 (2) In order to facilitate the collection of the information required by paragraph (1) of
- 209 this subsection, the department shall be authorized to inspect and copy all records of the
- 210 court and law enforcement agencies pertaining to juveniles and collect data from juvenile
- 211 court clerks."

212 **SECTION 8.**

213 Said title is further amended by revising subsection (b) of Code Section 49-5-155, relating

214 to the effect of Article 6 on the Department of Juvenile Justice office as recipient entity for

215 federal grants, as follows:

216 "(b) Other than the Department of Juvenile Justice, the Governor's Office for Children and

217 Families created pursuant to Code Section 49-5-132 and the Criminal Justice Coordinating

218 Council shall be the only other authorized controlling recipient entity for grants under the

219 United States Department of Justice Juvenile Justice Delinquency and Prevention Grants."

220 **SECTION 9.**

221 Article 2 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to

222 family violence shelters, is amended by revising paragraphs (1) and (5) of Code Section

223 19-13-20, relating to definitions, as follows:

224 "(1) 'Council' means the Criminal Justice Coordinating Council. ~~'Department' means the~~

225 ~~Department of Human Services.'~~"

226 "(5) 'Family violence shelter' means a facility approved by the ~~department~~ council for the

227 purpose of receiving, on a temporary basis, persons who are subject to family violence.

228 Family violence shelters are distinguished from shelters operated for detention or

229 placement of children only, as provided in subsection (c) of Code Section 15-11-135 and

230 subsection (a) of Code Section 15-11-504."

231 **SECTION 10.**

232 Said article is further amended by revising Code Section 19-13-21, relating to the powers and

233 duties of the department, as follows:

234 "19-13-21.

235 (a) It shall be the duty of the ~~department~~ council:

236 (1) To establish minimum standards for an approved family violence shelter to enable

237 such shelter to receive state funds;

- 238 (2) To receive applications for the development and establishment of family violence  
 239 shelters;
- 240 (3) To approve or reject each application within 60 days of receipt of the application;
- 241 (4) To distribute funds to an approved shelter as funds become available;
- 242 (5) To fund other family violence programs as funds become available, provided that  
 243 such programs meet standards established by the ~~department~~ council; and
- 244 (6) To evaluate annually each family violence shelter for compliance with the minimum  
 245 standards.
- 246 (b) Without using designated shelter funds, the ~~department~~ council may:
- 247 (1) Formulate and conduct a research and evaluation program on family violence and  
 248 cooperate with and assist and participate in programs of other properly qualified agencies,  
 249 including any agency of the federal government, schools of medicine, hospitals, and  
 250 clinics, in planning and conducting research on the prevention of family violence and the  
 251 care, treatment, and rehabilitation of persons engaged in or subject to family violence;
- 252 (2) Serve as a clearing-house for information relating to family violence;
- 253 (3) Carry on educational programs on family violence for the benefit of the general  
 254 public, persons engaged in or subject to family violence, professional persons, or others  
 255 who care for or may be engaged in the care and treatment of persons engaged in or  
 256 subject to family violence; and
- 257 (4) Enlist the assistance of public and voluntary health, education, welfare, and  
 258 rehabilitation agencies in a concerted effort to prevent family violence and to treat  
 259 persons engaged in or subject to family violence."

260 **SECTION 11.**

261 Said article is further amended by revising Code Section 19-13-22, relating to eligibility for  
 262 licensing and funding, as follows:

263 "19-13-22.

- 264 (a) In order to be approved and funded under this article, each shelter shall:
- 265 (1) Provide a facility which will serve as a shelter to receive or house persons who are  
 266 family violence victims;
- 267 (2) Receive the periodic written endorsement of local law enforcement agencies;
- 268 (3) Receive a minimum of 25 percent of its funding from other sources. Contributions  
 269 in kind, whether materials, commodities, transportation, office space, other types of  
 270 facilities, or personal services, may be evaluated and counted as part of the required local  
 271 funding; and

272 (4) Meet the minimum standards of the ~~department~~ council for approving family  
 273 violence shelters; provided, however, that facilities not receiving state funds shall not be  
 274 required to be approved.

275 (b) The ~~department~~ council shall provide procedures whereby local organizations may  
 276 apply for approval and funding. Any local agency or organization may apply to participate.

277 (c) Each approved family violence shelter shall be designated to serve as a temporary  
 278 receiving facility for the admission of persons subject to family violence. Each shelter  
 279 shall refer such persons and their spouses to any public or private facility, service, or  
 280 program providing treatment or rehabilitation services, including, but not limited to, the  
 281 prevention of such violence and the care, treatment, and rehabilitation of persons engaged  
 282 in or subject to family violence.

283 (d) Family violence shelters and family violence programs may be established throughout  
 284 the state as private, local, state, or federal funds are available. Any county or municipality  
 285 in this state is authorized to make grants of county or municipal funds, respectively, to any  
 286 family violence center approved as such in accordance with the minimum standards of the  
 287 ~~department~~ council.

288 (e) The family violence shelters shall establish procedures pursuant to which persons  
 289 subject to family violence may seek admission to these shelters on a voluntary basis.

290 (f) Each family violence shelter shall have a board composed of at least three citizens, one  
 291 of whom shall be a member of a local, municipal, or county law enforcement agency."

292 **SECTION 12.**

293 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
 294 by revising paragraph (1) of subsection (a) of Code Section 49-9-4, relating to the creation  
 295 of the Georgia Vocational Rehabilitation Agency, and by adding a new subsection to read  
 296 as follows:

297 "(a)(1) The Georgia Vocational Rehabilitation Agency is created and established to  
 298 perform the functions and assume the duties, powers, and authority exercised on June 30,  
 299 2012, by the Division of Rehabilitation Services within the Department of Labor  
 300 including the disability adjudication section ~~and the Roosevelt Warm Springs Institute~~  
 301 ~~for Rehabilitation~~, and such division shall be reconstituted as the Georgia Vocational  
 302 Rehabilitation Agency effective July 1, 2012."

303 "(1) The duties, powers, and authority to manage and operate the long-term acute care and  
 304 the inpatient rehabilitation hospitals at the Roosevelt Warm Springs Institute for  
 305 Rehabilitation shall be transferred to the Board of Regents of the University System of  
 306 Georgia effective July 1, 2015, and the remaining duties, powers, and authority to manage

307 and operate the Roosevelt Warm Springs Institute for Rehabilitation shall remain vested  
308 with the Georgia Vocational Rehabilitation Agency."

309 **SECTION 13.**

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