

House Bill 263

By: Representatives Coomer of the 14th, Nimmer of the 178th, Dickey of the 140th, Rogers of the 10th, Golick of the 40th, and others

A BILL TO BE ENTITLED

AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

16 "35-6A-7.

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

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

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

25 (3) To serve as the state-wide clearing-house for criminal justice information and
 26 research;

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

52 **SECTION 2.**

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

54 "35-6A-11.

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

60 (1) At least three members of the council, two of whom are not full-time government
 61 employees or elected officials;

62 (2) At least one locally elected official representing general purpose local government;

63 (3) Representatives of law enforcement and juvenile justice agencies, including juvenile
64 and family court judges, prosecuting attorneys, attorneys for children and youth, and
65 probation workers;

66 (4) Representatives of public agencies concerned with delinquency prevention or
67 treatment, such as welfare, social services, mental health, education, special education,
68 recreation, and youth services;

69 (5) Representatives of private nonprofit organizations, including individuals with a
70 special focus on preserving and strengthening families, parent groups and parent self-help
71 groups, youth development, delinquency prevention and treatment, neglected or
72 dependent children, the quality of juvenile justice, education, and social services for
73 children;

74 (6) Volunteers who work with delinquent children or potential delinquent children;

75 (7) Youth workers involved with programs that are alternatives to incarceration,
76 including programs providing organized recreation activities;

77 (8) Individuals with special experience and competence in addressing problems related
78 to school violence and vandalism and alternatives to suspension and expulsion; and

79 (9) Individuals with special experience and competence in addressing problems related
80 to learning disabilities, emotional difficulties, child abuse and neglect, and youth
81 violence.

82 (b)(1) A majority of the members of the advisory board, including the chairperson, shall
83 not be full-time employees of the federal, state, or local government.

84 (2) At least one-fifth of the members of the advisory board shall be under 24 years of age
85 at the time of their appointment.

86 (3) At least three members shall have been or shall currently be under the jurisdiction of
87 the juvenile justice system of this state.

88 (c) Membership on the advisory board shall not constitute public office and no member
89 shall be disqualified from holding public office by reason of his or her membership.

90 (d) The advisory board shall elect a chairperson from among its membership who must
91 also be a member of the council. The advisory board may elect such other officers and
92 committees as it considers appropriate.

93 (e) Members of the advisory board shall serve without compensation, although each
94 member of the advisory board shall be reimbursed for actual expenses incurred in the
95 performance of his or her duties from funds available to the office. Such reimbursement
96 shall be limited to all travel and other expenses necessarily incurred through service on the
97 advisory board, in compliance with this state's travel rules and regulations. However, in
98 no case shall a member of the advisory board be reimbursed for expenses incurred in the
99 member's capacity as the representative of another state agency.

100 35-6A-12.

101 The advisory board shall:

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

105 (2) Maintain minutes of its meetings;

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

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

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

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

117 **SECTION 3.**

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

121 "(f) All facilities shall maintain data on each child detained and such data shall be recorded
 122 and retained by the facility for three years and shall be made available for inspection during
 123 normal business hours by any court exercising juvenile court jurisdiction, by DJJ, by the
 124 Governor's Office for Children and Families, by the Criminal Justice Coordinating Council,
 125 and by the Council of Juvenile Court Judges. The required data are each detained child's:

126 (1) Name;

127 (2) Date of birth;

128 (3) Sex;

129 (4) Race;

130 (5) Offense or offenses for which such child is being detained;

131 (6) Date of and authority for confinement;

132 (7) Location of the offense and the name of the school if the offense occurred in a school
 133 safety zone, as defined in Code Section 16-11-127.1;

134 (8) The name of the referral source, including the name of the school if the referring
 135 source was a school;

- 136 (9) The score on the detention assessment;
- 137 (10) The basis for detention if such child's detention assessment score does not in and
138 of itself mandate detention;
- 139 (11) The reason for detention, which may include, but shall not be limited to,
140 preadjudication detention, detention while awaiting a postdisposition placement, or
141 serving a short-term program disposition;
- 142 (12) Date of and authority for release or transfer; and
- 143 (13) Transfer or to whom released."

144 **SECTION 4.**

145 Said chapter is further amended by revising subsection (d) of Code Section 15-11-704,
146 relating to public inspection of court files and records, as follows:

147 "(d) A judge shall permit authorized representatives of DJJ, the Governor's Office for
148 Children and Families, the Criminal Justice Coordinating Council, and the Council of
149 Juvenile Court Judges to inspect and extract data from any court files and records for the
150 purpose of obtaining statistics on children and to make copies pursuant to the order of the
151 court."

152 **SECTION 5.**

153 Said chapter is further amended by revising subsection (d) of Code Section 15-11-708,
154 relating to separation of juvenile and adult records for law enforcement, as follows:

155 "(d) The court shall allow authorized representatives of DJJ, the Governor's Office for
156 Children and Families, the Criminal Justice Coordinating Council, and the Council of
157 Juvenile Court Judges to inspect and copy law enforcement records for the purpose of
158 obtaining statistics on children."

159 **SECTION 6.**

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

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

168 **SECTION 7.**

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

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

- 180 (A) Juvenile delinquency;
- 181 (B) Arrests made;
- 182 (C) Detentions made, the offense for which such detention was authorized, and the
 183 reason for each detention;
- 184 (D) Complaints filed;
- 185 (E) Informations filed;
- 186 (F) Petitions filed;
- 187 (G) The results of complaints, informations, and petitions, including whether such
 188 filings were dismissed, diverted, or adjudicated;
- 189 (H) Commitments to the department, the length of such commitment, and releases from
 190 the department;
- 191 (I) The department's placement decisions for commitments;
- 192 (J) Placement decisions to institutions, camps, or other facilities for delinquent children
 193 operated under the direction of courts or other local public authorities;
- 194 (K) Community programs utilized and completion data for such programs;
- 195 (L) Recidivism;
- 196 (M) Data collected by juvenile court clerks pursuant to Code Section 15-11-64; and
- 197 (N) Other information useful in determining the amount and causes of juvenile
 198 delinquency in this state.

199 (2) In order to facilitate the collection of the information required by paragraph (1) of
 200 this subsection, the department shall be authorized to inspect and copy all records of the
 201 court and law enforcement agencies pertaining to juveniles and collect data from juvenile
 202 court clerks."

203 **SECTION 8.**

204 Said title is further amended by revising subsection (b) of Code Section 49-5-155, relating
 205 to the effect of Article 6 on the Department of Juvenile Justice office as recipient entity for
 206 federal grants, as follows:

207 "(b) Other than the Department of Juvenile Justice, the Governor's Office for Children and
 208 Families created pursuant to Code Section 49-5-132 and the Criminal Justice Coordinating
 209 Council shall be the only other authorized controlling recipient entity for grants under the
 210 United States Department of Justice Juvenile Justice Delinquency and Prevention Grants."

211 **SECTION 9.**

212 Article 2 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to
 213 family violence shelters, is amended by revising paragraph (1) of Code Section 19-13-20,
 214 relating to definitions, as follows:

215 "(1) 'Council' means the Criminal Justice Coordinating Council. ~~'Department' means the~~
 216 ~~Department of Human Services."~~

217 **SECTION 10.**

218 Said article is further amended by revising Code Section 19-13-21, relating to the powers and
 219 duties of the department, as follows:

220 "19-13-21.

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

222 (1) To establish minimum standards for an approved family violence shelter to enable
 223 such shelter to receive state funds;

224 (2) To receive applications for the development and establishment of family violence
 225 shelters;

226 (3) To approve or reject each application within 60 days of receipt of the application;

227 (4) To distribute funds to an approved shelter as funds become available;

228 (5) To fund other family violence programs as funds become available, provided that
 229 such programs meet standards established by the ~~department~~ council; and

230 (6) To evaluate annually each family violence shelter for compliance with the minimum
 231 standards.

232 (b) Without using designated shelter funds, the ~~department~~ council may:

233 (1) Formulate and conduct a research and evaluation program on family violence and
 234 cooperate with and assist and participate in programs of other properly qualified agencies,
 235 including any agency of the federal government, schools of medicine, hospitals, and
 236 clinics, in planning and conducting research on the prevention of family violence and the
 237 care, treatment, and rehabilitation of persons engaged in or subject to family violence;

- 238 (2) Serve as a clearing-house for information relating to family violence;
- 239 (3) Carry on educational programs on family violence for the benefit of the general
240 public, persons engaged in or subject to family violence, professional persons, or others
241 who care for or may be engaged in the care and treatment of persons engaged in or
242 subject to family violence; and
- 243 (4) Enlist the assistance of public and voluntary health, education, welfare, and
244 rehabilitation agencies in a concerted effort to prevent family violence and to treat
245 persons engaged in or subject to family violence."

246 **SECTION 11.**

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

249 "19-13-22.

250 (a) In order to be approved and funded under this article, each shelter shall:

251 (1) Provide a facility which will serve as a shelter to receive or house persons who are
252 family violence victims;

253 (2) Receive the periodic written endorsement of local law enforcement agencies;

254 (3) Receive a minimum of 25 percent of its funding from other sources. Contributions
255 in kind, whether materials, commodities, transportation, office space, other types of
256 facilities, or personal services, may be evaluated and counted as part of the required local
257 funding; and

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

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

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

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

- 274 (e) The family violence shelters shall establish procedures pursuant to which persons
275 subject to family violence may seek admission to these shelters on a voluntary basis.
- 276 (f) Each family violence shelter shall have a board composed of at least three citizens, one
277 of whom shall be a member of a local, municipal, or county law enforcement agency."

278

SECTION 12.

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