

Senate Bill 8

By: Senators Kirkpatrick of the 32nd, Strickland of the 42nd, Hatchett of the 50th, Jackson of the 41st, Brass of the 6th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 provide for arrest warrant requirements when juvenile courts are acting as courts of inquiry;
3 to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure,
4 so as to make conforming changes; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

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

7 **SECTION 1.**

8 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
9 Code Section 15-11-7, relating to court of inquiry, as follows:

10 "15-11-7.

11 (a) The juvenile court shall have jurisdiction to act as a court of inquiry with all the powers
12 and rights allowed courts of inquiry in this state and to examine or investigate into the
13 circumstances or causes of any conduct or acts of any person 17 or more years of age that
14 may be in violation of the laws of this state whenever such person is brought before the
15 court in the course of any proceeding instituted under this chapter. The court shall cause

16 the person to be apprehended and brought before it upon either a writ of summons, a
17 warrant duly issued, or by arrest.

18 (b) When, after hearing evidence, the court has reasonably ascertained that there is
19 probable cause to believe that the person has committed a misdemeanor or felony as
20 prescribed under the laws of this state, the court shall commit, bind over to the court of
21 proper jurisdiction in this state, or discharge the person. When justice shall require, the
22 court shall cause the person to make such bail as the court shall deem proper under the
23 circumstances and to cause the person to appear before the court of proper jurisdiction in
24 this state to be acted upon as provided by law.

25 (c) An arrest warrant issued pursuant to this Code section shall include the information
26 required by Code Section 17-4-41; provided, however, that an arrest warrant that
27 substantially complies with the form set forth in Code Section 17-4-46 shall in all cases be
28 sufficient. Such arrest warrant may be issued in any county, though the crime was
29 committed in another county. A warrant, once issued, may be executed in any county
30 without being backed or endorsed by a judicial officer in the county where the warrant is
31 executed."

32 SECTION 2.

33 Said title is further amended by adding a new subsection to Code Section 15-18-6.1, relating
34 to representation of state in juvenile court cases, to read as follows:

35 "(f) The provisions of this Code section shall not be deemed to restrict, limit, or diminish
36 any authority or power of the district attorney, the solicitor-general, or any attorney
37 appointed pursuant to subsection (d) of this Code section to represent this state in any
38 criminal case in which the accused is charged with a felony or misdemeanor, when the
39 juvenile court is acting as a court of inquiry pursuant to Article 2 of Chapter 7 of Title 17
40 or setting bail for any such offense, other than one which the juvenile court has, by law,
41 jurisdiction to try and dispose of."

42 **SECTION 3.**

43 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
44 amended by revising subsection (a) of Code Section 17-4-40, relating to persons who may
45 issue warrants for arrest of offenders against penal laws, warrants requested by others, and
46 persons who may issue warrants for arrest of peace or law enforcement officers, DFCS case
47 managers, or school teachers or administrators, as follows:

48 "(a) Except as provided in subsection (c) of this Code section, any ~~Any~~ judge of a superior,
49 city, state, juvenile, or magistrate court or any municipal officer clothed by law with the
50 powers of a magistrate may issue a warrant for the arrest of any offender against the penal
51 laws, based on probable cause either on the judge's or officer's own knowledge or on the
52 information of others given to the judge or officer under oath. Any retired judge or judge
53 emeritus of a state court may likewise issue arrest warrants if authorized in writing to do
54 so by an active judge of the state court of the county wherein the warrants are to be issued."

55 **SECTION 4.**

56 Said title is further amended by revising Code Section 17-7-20, relating to persons who may
57 hold courts of inquiry, as follows:

58 "17-7-20.

59 Any judge of a superior, ~~or state, or juvenile~~ court, judge of the probate court, magistrate,
60 or officer of a municipality who has the criminal jurisdiction of a magistrate may hold a
61 court of inquiry to examine an accusation against a person legally arrested and brought
62 before him or her. The time and place of the inquiry shall be determined by such judicial
63 officer. Such judge may order the court of inquiry to be conducted by audio-visual
64 communication between the accused, the court, the attorneys, and the witnesses."

65 **SECTION 5.**

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