

Juvenile Justice In Georgia

The School Safety and Juvenile Justice Reform Act of 1994

**A Series of
Interactive Sessions
For Youth Education**



Juvenile Court



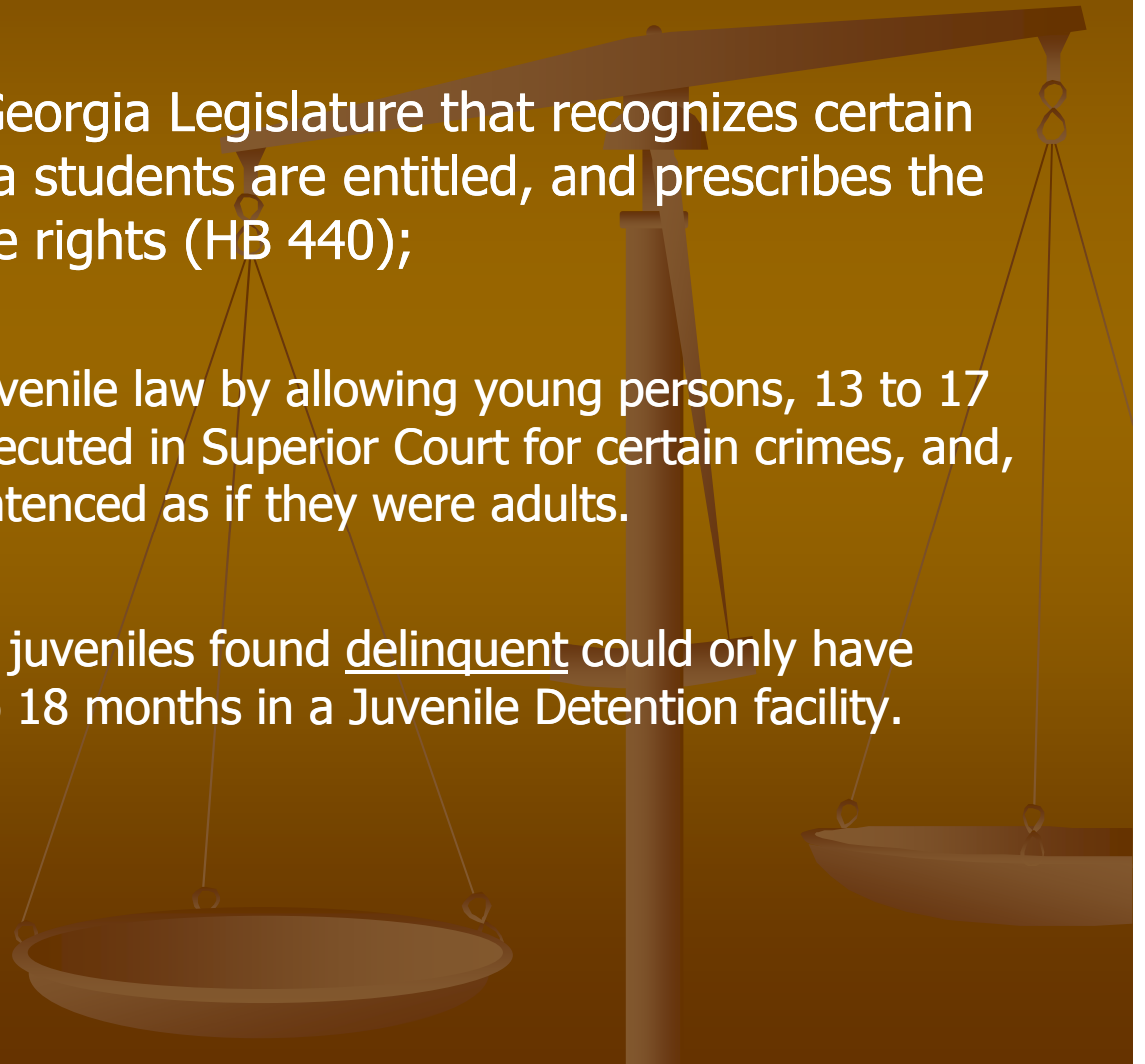
- Purpose: Juvenile Courts in Georgia were established for the following reasons:

- Protection;
- Supervision;
- Treatment; and
- Rehabilitation

of Georgia's "Children In Need"

THE SCHOOL SAFETY AND JUVENILE JUSTICE ACT OF 1994

- Is a law enacted by the Georgia Legislature that recognizes certain rights to which all Georgia students are entitled, and prescribes the means for enforcing those rights (HB 440);
 - It drastically changed juvenile law by allowing young persons, 13 to 17 years of age, to be prosecuted in Superior Court for certain crimes, and, if found guilty, to be sentenced as if they were adults.
 - With certain exceptions, juveniles found delinquent could only have been sentenced to up to 18 months in a Juvenile Detention facility.



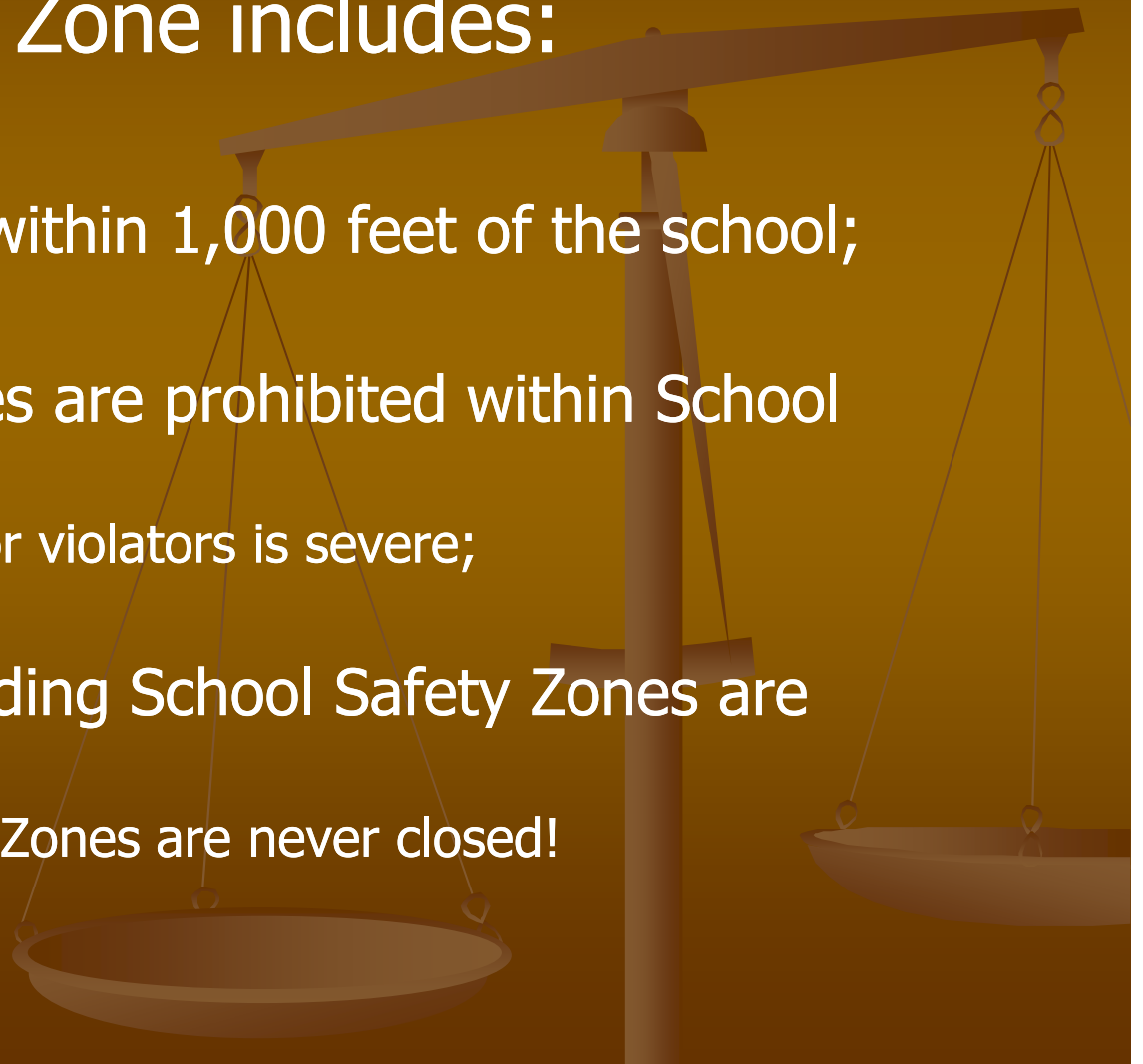
Student Rights



- Young persons attending Public and Private School in Georgia are entitled to:
 - A safe & secure learning environment;
 - This extends to all School Property (i.e. Buses; Bus Stops, etc.)
 - Have input in the preparation of their school's Safety Plan;

School Safety Zones

- A School Safety Zone includes:
 - All property in or within 1,000 feet of the school;
 - Certain activities are prohibited within School Safety Zones;
 - Punishment for violators is severe;
 - The laws regarding School Safety Zones are enforced 24/7!
 - School Safety Zones are never closed!



Prohibited Activities



1. Carrying, possessing, or controlling any **WEAPON** (on school property, in a school safety zone, on a school vehicle);
2. **Weapons Include:** pistol, revolver (missile propellant), dirk, bowie knife, switchblade, ballistic knife (3" or more), straight-edge razor, spring stick, metal knucks, blackjack, flailing instrument or fighting chain (nun-chuck), throwing star, oriental dart, stun gun, tazer.

Zero Tolerance



- Most schools now have a “Zero Tolerance” Policy regarding Weapons:
 - No Exceptions; No Excuses.

Rationale: Even a weapon possessed without any intent to harm could still fall into the hands of a violent person and thus threaten the lives and safety of innocent students.

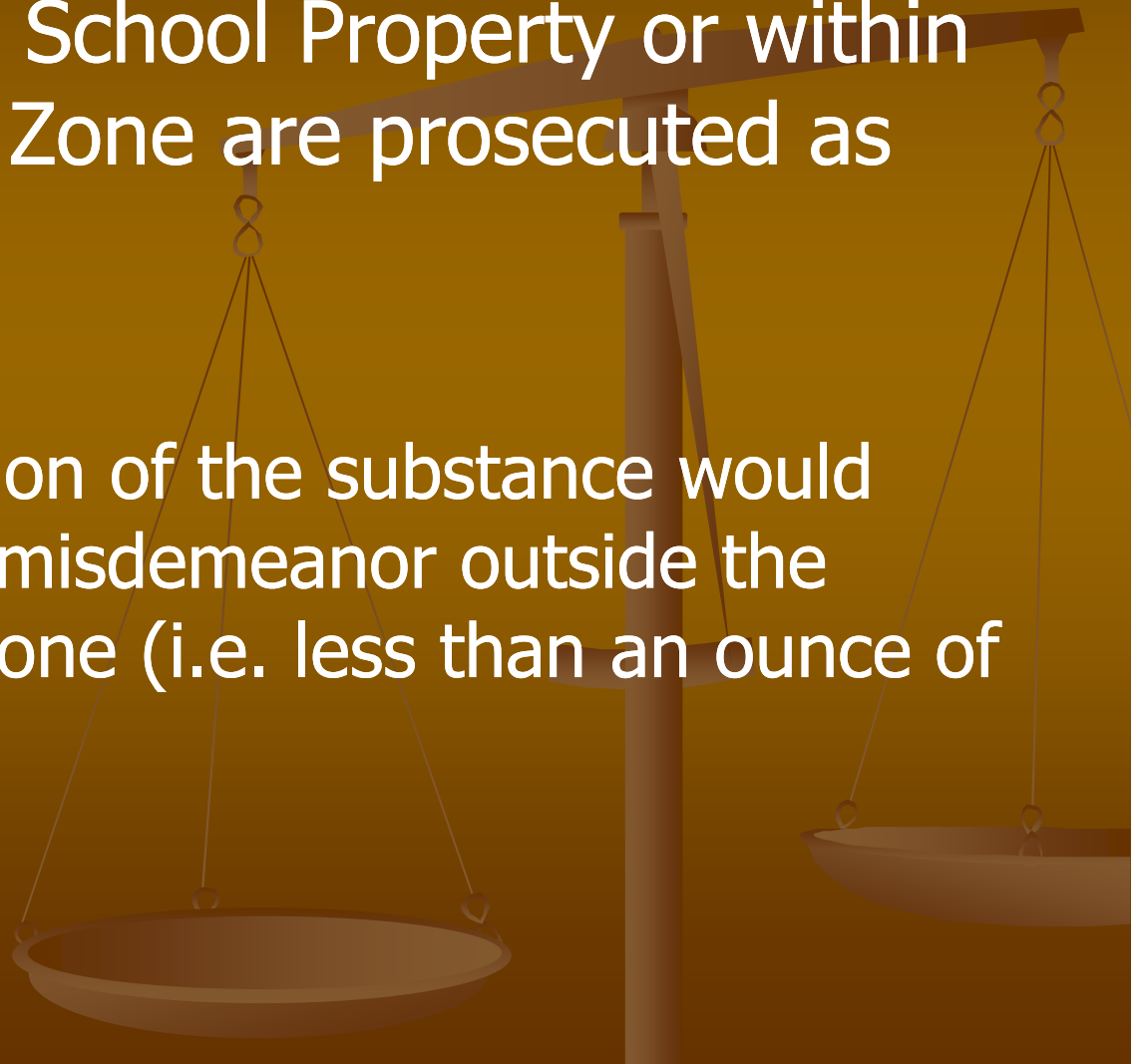
Punishment



- Adults convicted of committing certain crimes within School Safety Zones may be imprisoned from 2 to 10 years;
- Juveniles adjudicated delinquent for having committing crimes within School Safety Zones will be subject to disposition under the “Designated Felony Act”.

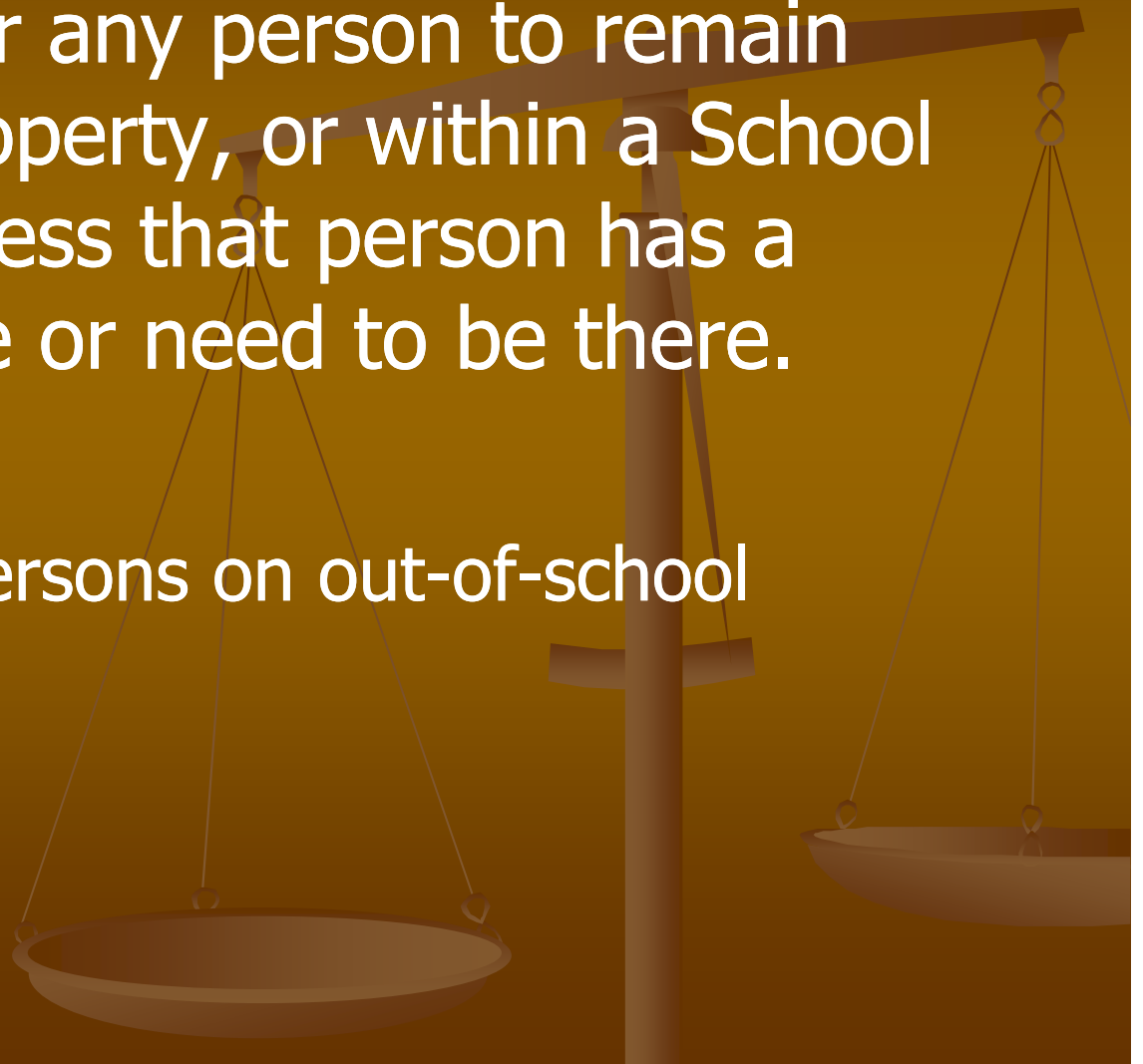
Illegal Drugs

- Illegal Drugs on School Property or within a School Safety Zone are prosecuted as Felonies;
 - Even if possession of the substance would otherwise be a misdemeanor outside the School Safety Zone (i.e. less than an ounce of marijuana).



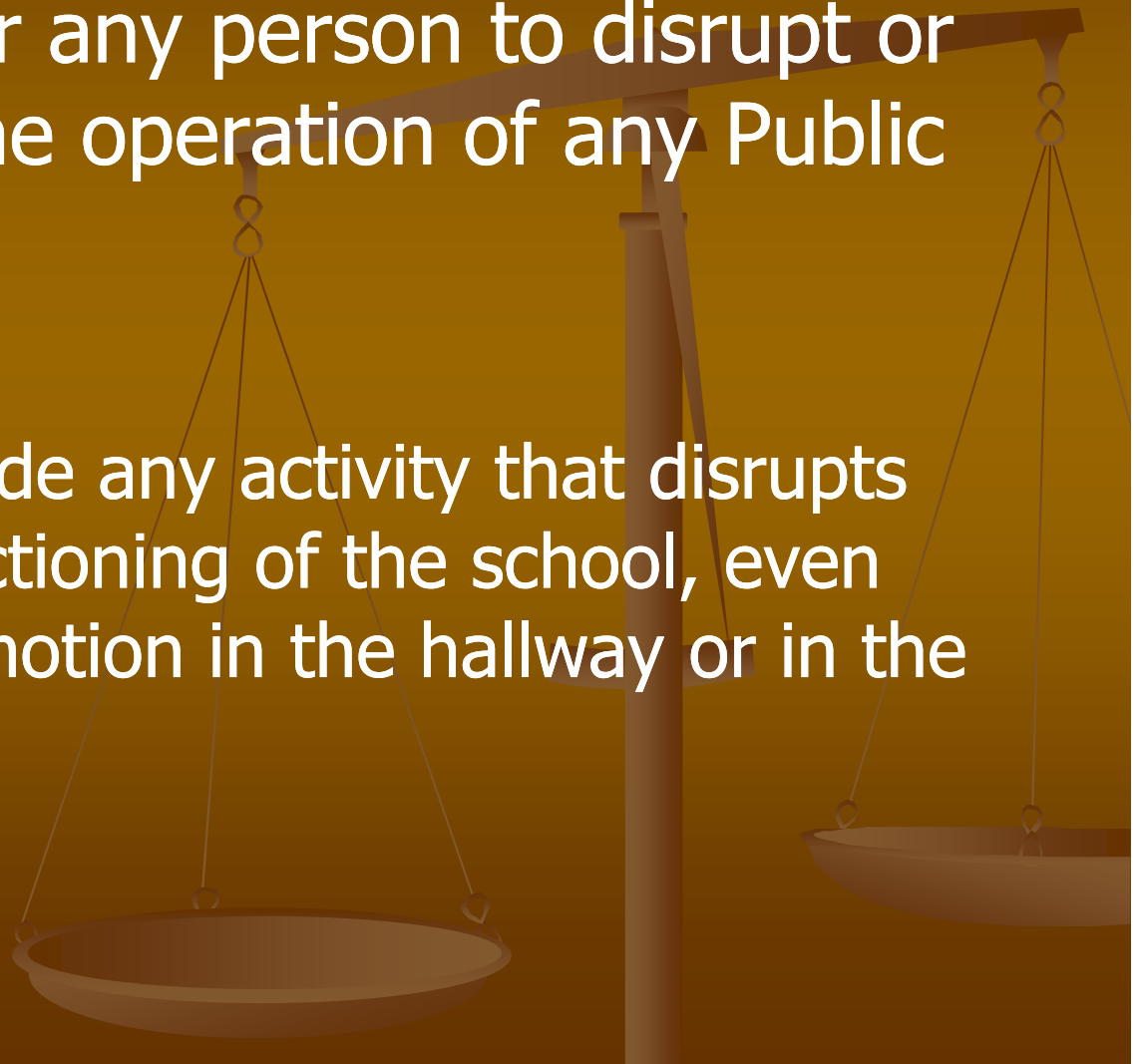
Trespassers

- It is unlawful for any person to remain upon School property, or within a School Safety Zone unless that person has a legitimate cause or need to be there.
 - This includes persons on out-of-school suspension!



Disrupting Public School

- It is unlawful for any person to disrupt or interfere with the operation of any Public School.
 - This could include any activity that disrupts the normal functioning of the school, even causing a commotion in the hallway or in the lunchroom.



Violent Crimes



- Violent crimes committed within School Safety Zones carry **Mandatory Minimum Sentences**:
 - **Aggravated Battery**, for example, which is ordinarily punishable, at the discretion of the Sentencing Judge, anywhere from 1 to 20 years, carries a **Mandatory Minimum Sentence of 5 Years**, and not one day less.

Mandatory Reporting



- School Officials must Report the following activities whenever they happen on School Property or at or during School functions:
 1. Aggravated Assault;
 2. Aggravated Battery;
 3. Sexual Offenses;
 4. Carrying Deadly Weapons at Public Gatherings;
 5. Carrying weapons on school property, at school functions, or within School Safety Zones;
 6. Possession of a pistol or revolver by a juvenile;
 7. Possession or other activities involving illegal drugs.

School Searches: Desks & Lockers



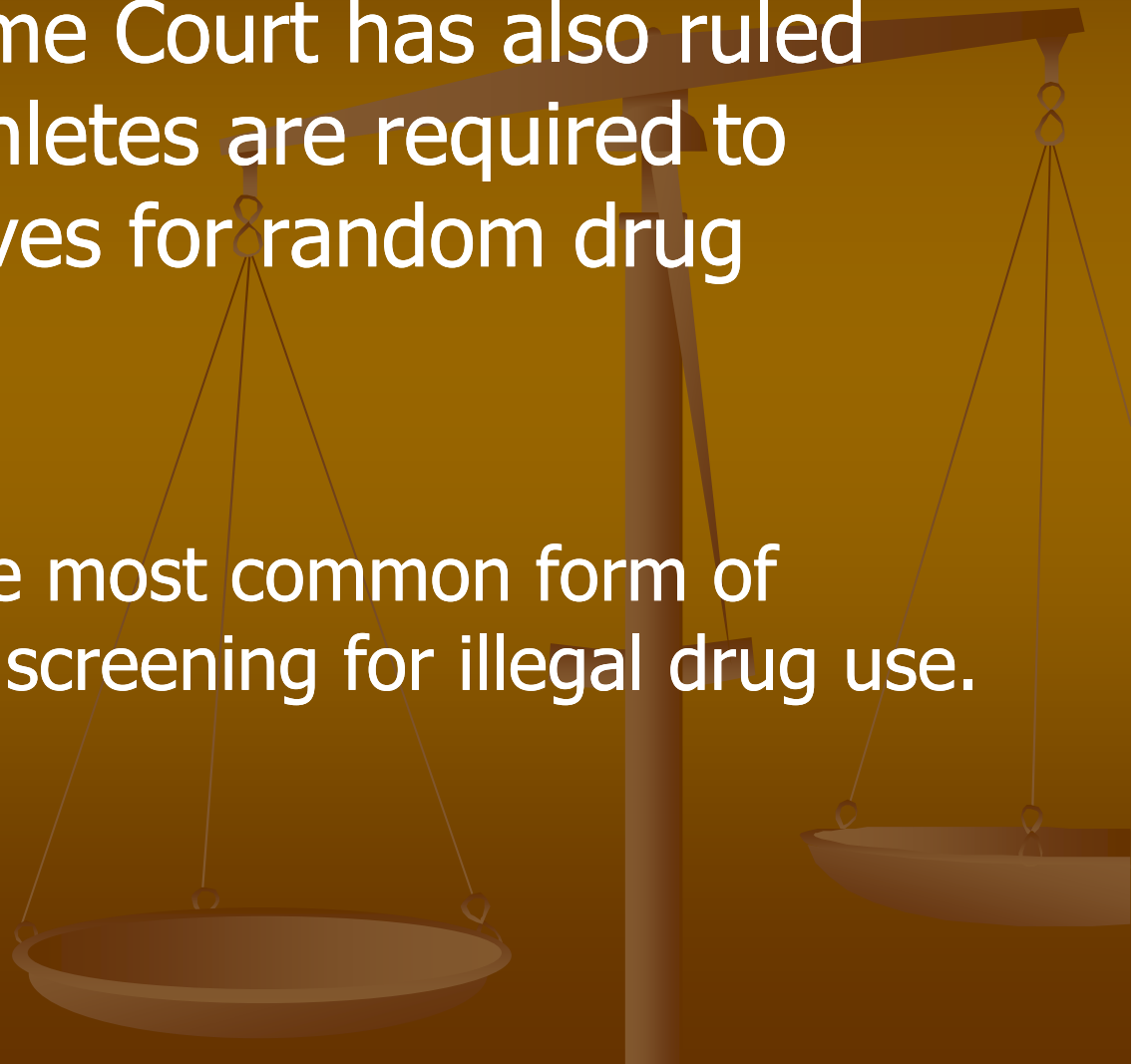
- Even though the Fourth Amendment to the U.S. Constitution prohibits unreasonable Searches & Seizures by Government officials, the U.S. Supreme Court has ruled that School officials may either consent to, or conduct, searches of student desks and lockers by police.
- Generally there is a “reasonable expectation of privacy” which the Fourth Amendment protects by prohibiting searches without a search warrant.

Consent To Search

- The U.S. Supreme Court has held that School Officials may stand “In Loco Parentis” (in the place of the parent) for the purpose of consenting to searches of student desks and lockers.
- Evidence found in such searches may be used against a student in school disciplinary proceedings and in court.

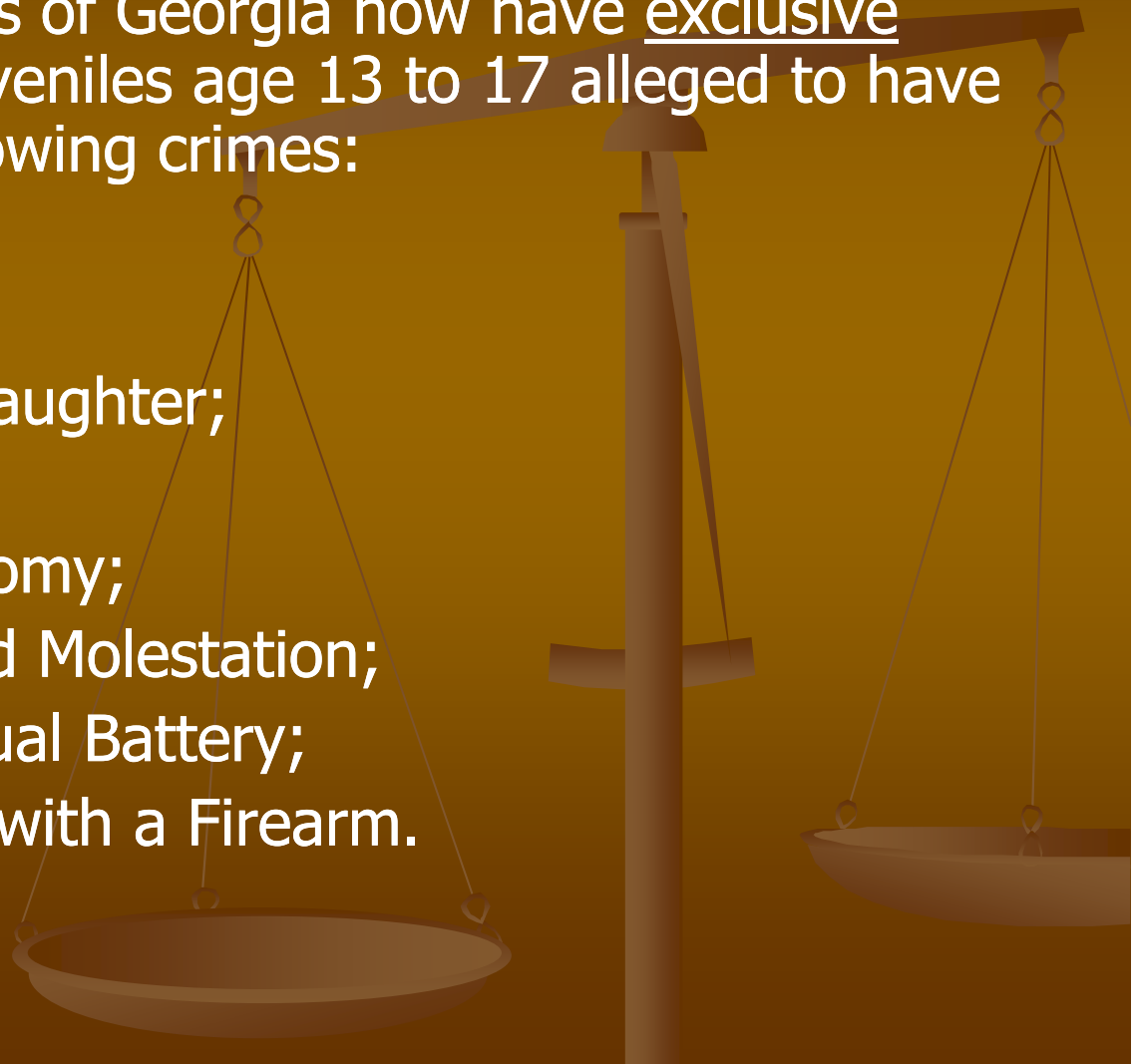
Drug Screens

- The U.S. Supreme Court has also ruled that Student Athletes are required to submit themselves for random drug screens.
- Urinalyses is the most common form of student athlete screening for illegal drug use.



Seven Deadly Sins

- The Superior Courts of Georgia now have exclusive jurisdiction over juveniles age 13 to 17 alleged to have committed the following crimes:
 1. Murder;
 2. Voluntary Manslaughter;
 3. Rape;
 4. Aggravated Sodomy;
 5. Aggravated Child Molestation;
 6. Aggravated Sexual Battery;
 7. Armed Robbery with a Firearm.



Sentencing

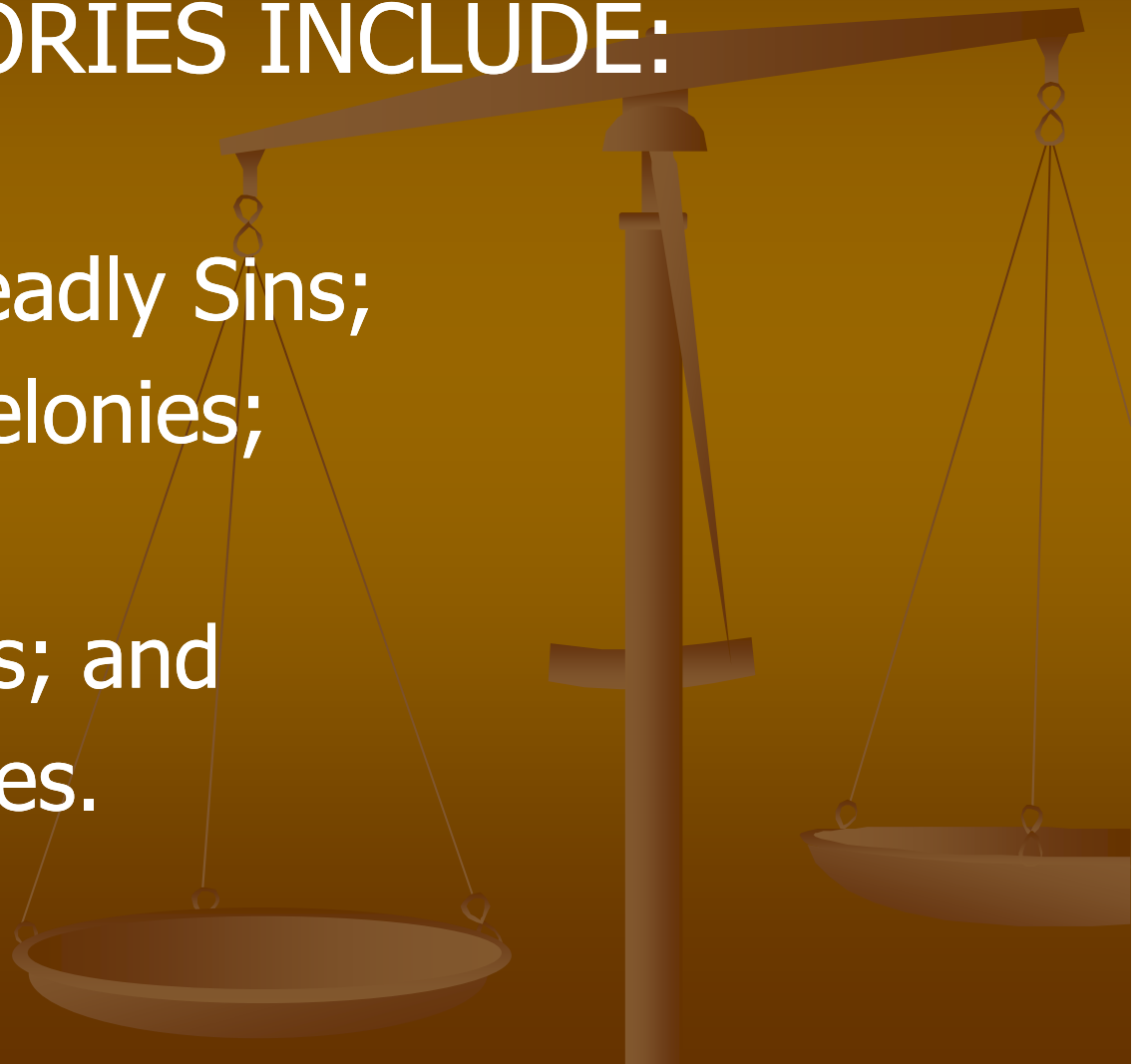


- If convicted, of Armed Robbery, Rape, Aggravated Sodomy, Aggravated Child Molestation, or Aggravated Battery, the **Mandatory Minimum Sentence is 10 Years.**
 - Every day of the sentence must be served in prison without any opportunity for parole.
 - Either the District Attorney or the Superior Court can transfer a case to the Juvenile Court, but only for extraordinary reasons.

Specific Crimes & Examples

CATEGORIES INCLUDE:

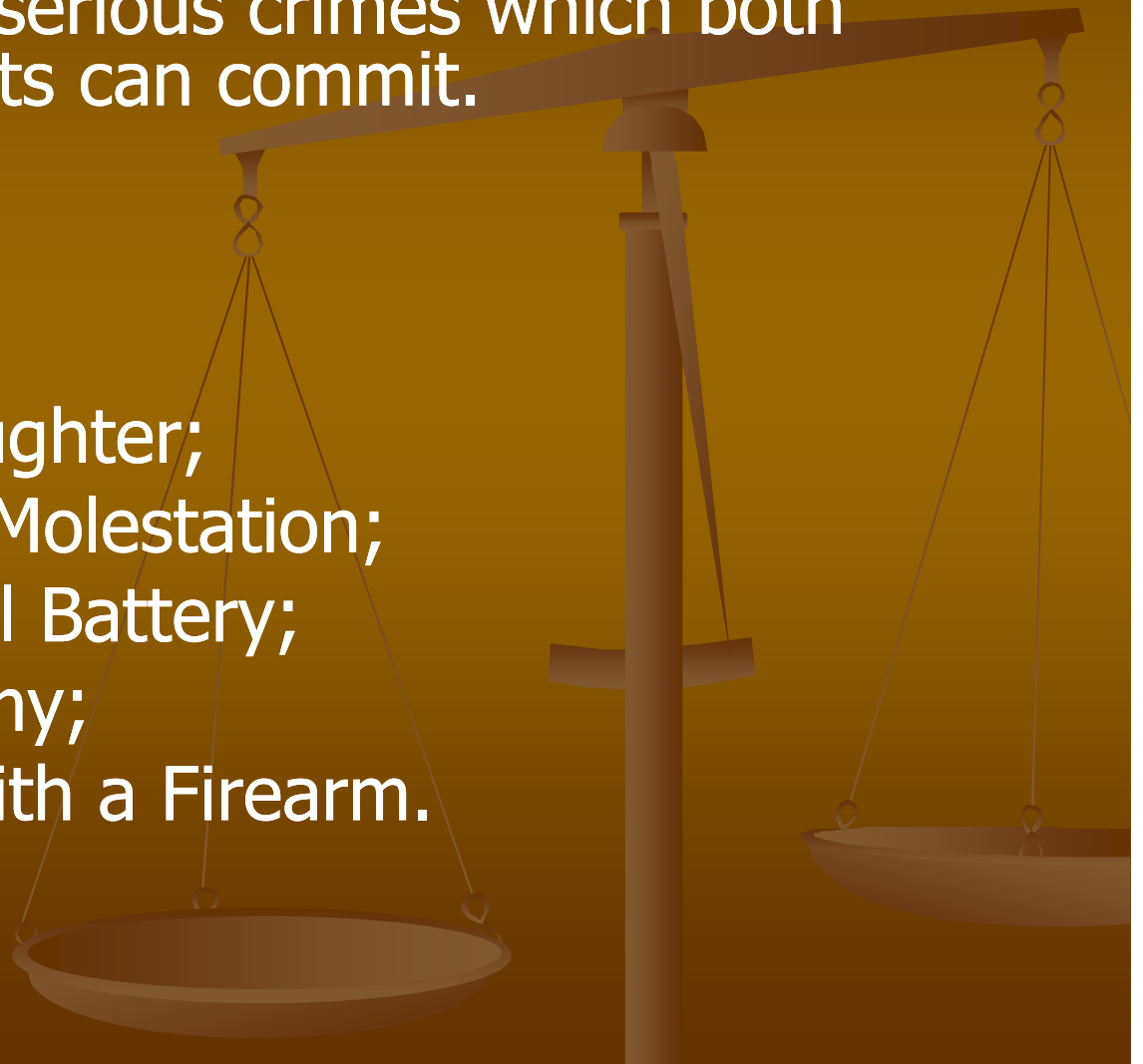
- The Seven Deadly Sins;
- Designated Felonies;
- Felonies;
- Misdemeanors; and
- Status Offenses.



Seven Deadly Sins

These are the most serious crimes which both juveniles and adults can commit.

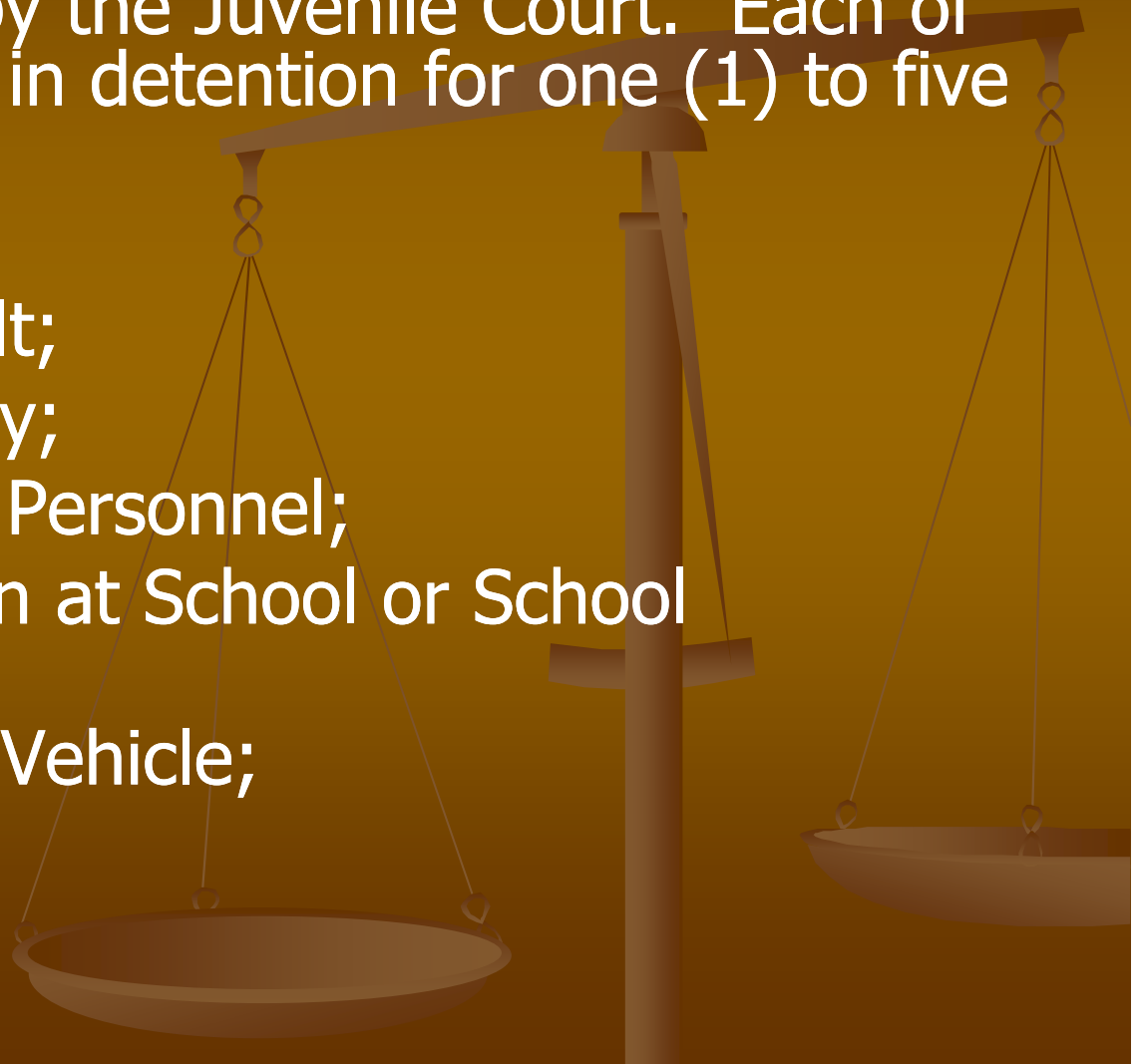
- Murder;
- Rape;
- Voluntary Manslaughter;
- Aggravated Child Molestation;
- Aggravated Sexual Battery;
- Aggravated Sodomy;
- Armed Robbery with a Firearm.



Designated Felonies

These are handled by the Juvenile Court. Each of these could result in detention for one (1) to five (5) years.

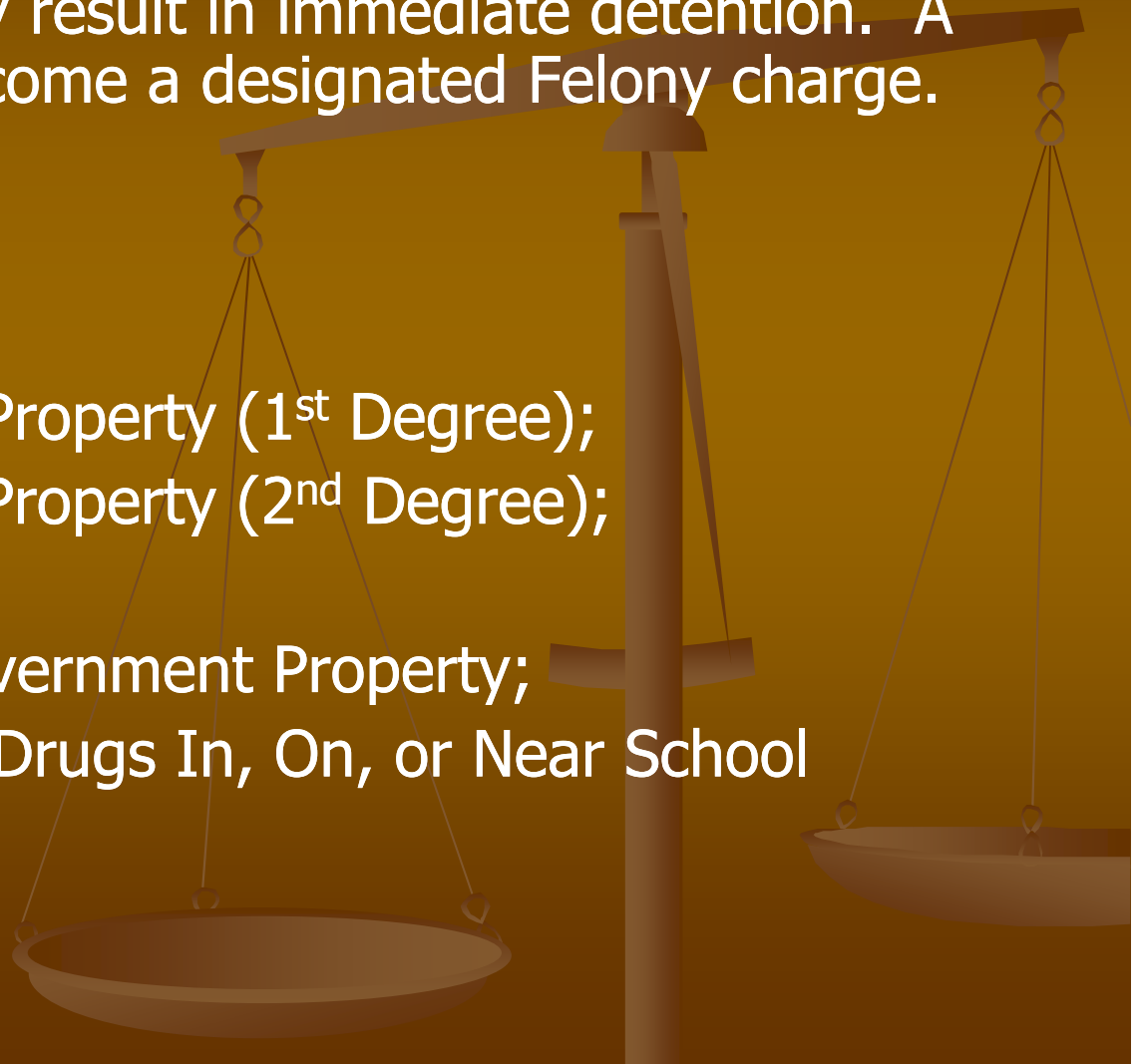
- Aggravated Assault;
- Aggravated Battery;
- Battery on School Personnel;
- Carrying a Weapon at School or School Function;
- Hijacking a Motor Vehicle;
- Kidnapping.



Felonies

Serious crimes that may result in immediate detention. A fourth Felony will become a designated Felony charge.

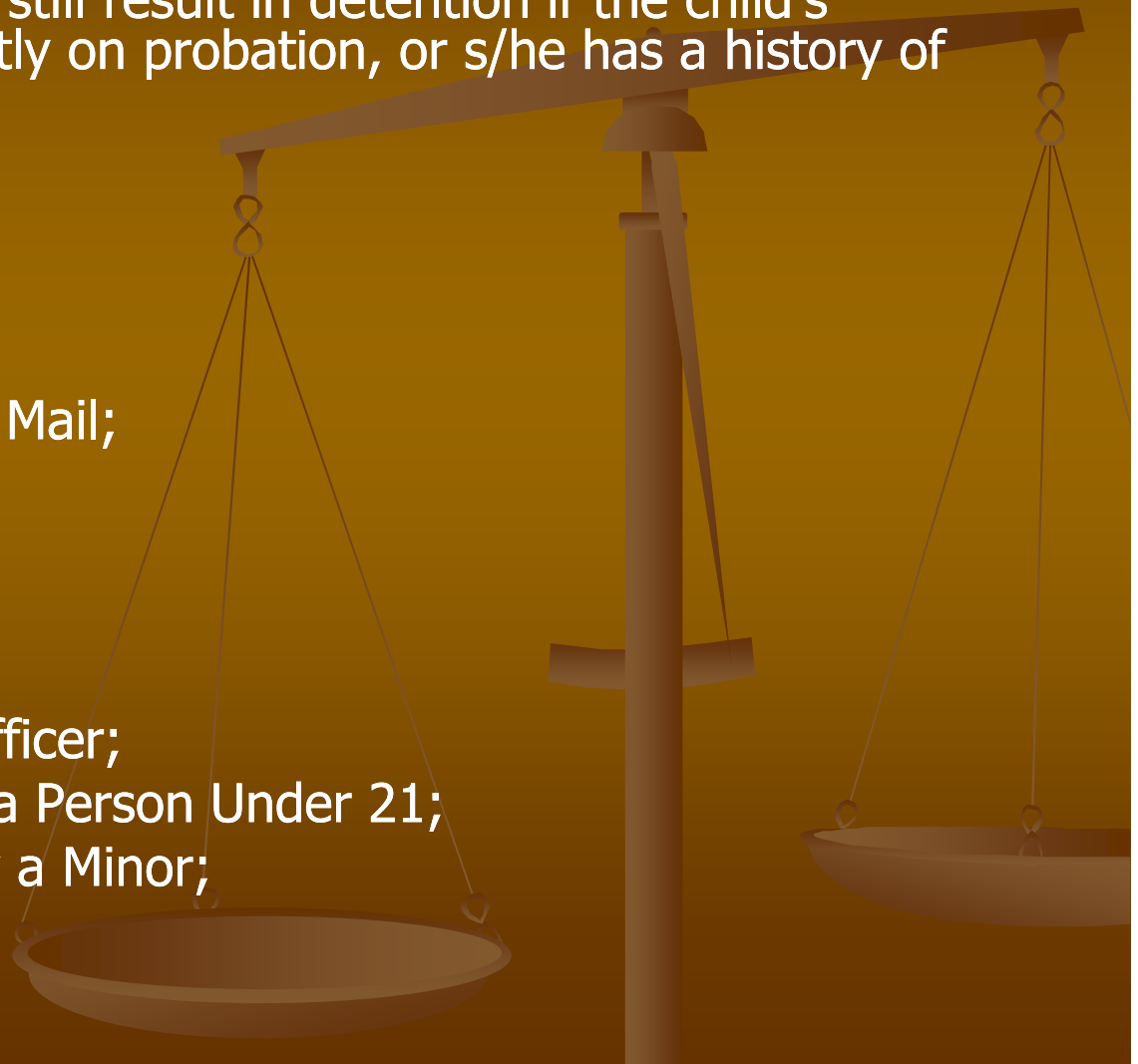
- Burglary;
- Child Molestation;
- Criminal Damage to Property (1st Degree);
- Criminal Damage to Property (2nd Degree);
- Dog Fighting;
- Interference with Government Property;
- Possession of Illegal Drugs In, On, or Near School Property.



Misdemeanors

Less serious crimes, but can still result in detention if the child's attitude is poor, is currently on probation, or s/he has a history of delinquent acts.

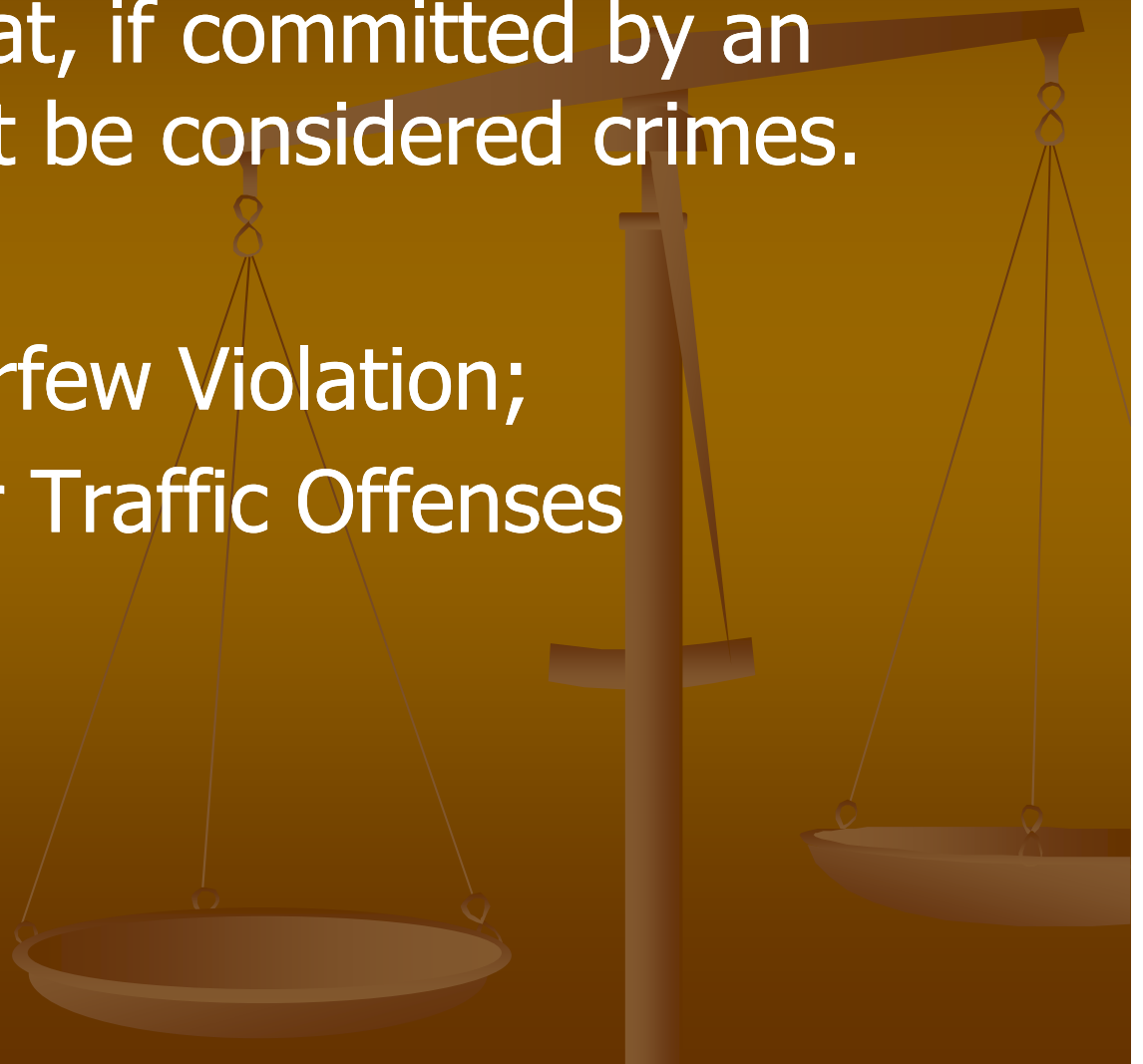
- Affray;
- Battery;
- Criminal Trespass;
- Damaging Mailboxes and Mail;
- Disorderly Conduct;
- Disrupting Public School;
- Hazing;
- Hoax Devices;
- Obstruction of a Police Officer;
- Possession of Alcohol by a Person Under 21;
- Possession of Tobacco by a Minor;



Status Offenses

These are acts that, if committed by an adult, would not be considered crimes.

- Curfew Violation;
- Minor Traffic Offenses



The End

Thank You!

