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## COURTS Proceedings, Incompetency and Dependency: Authorize the Photographing of Children Who Have Absconded and Subsequently Returned to the Custody of the Department of Juvenile Justice

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## COURTS

### ***Proceedings, Incompetency and Dependency: Authorize the Photographing of Children Who Have Absconded and Subsequently Returned to the Custody of the Department of Juvenile Justice***

CODE SECTION:	O.C.G.A. § 15-11-83 (amended)
BILL NUMBER:	HB 1105
ACT NUMBER:	836
GEORGIA LAWS:	2000 Ga. Laws 836
SUMMARY:	The Act authorizes the photographing of every child who has absconded and subsequently returned to the custody of the Department of Juvenile Justice.
EFFECTIVE DATE:	July 1, 2002

#### *History*

The Georgia Bureau of Investigation (GBI) is responsible for tracking juvenile fugitives.<sup>1</sup> A juvenile becomes a fugitive either by escaping from a juvenile detention center or failing to conform to a custody arrangement imposed by the juvenile courts.<sup>2</sup> When the GBI created a juvenile fugitive squad, agents often found no current accurate record of what the juvenile looked like, making the child harder to find.<sup>3</sup> In addition, some families or guardians were reluctant to provide photos to the GBI.<sup>4</sup> When the families or guardians provided a photo, it was of little help in identification because a child's appearance may change greatly over a short period of time.<sup>5</sup>

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1. Telephone Interview with John Bankhead, Dir. of Pub. Affairs, Ga. Bureau of Investigation (Apr. 6, 2002) [hereinafter Bankhead Interview].

2. Bankhead Interview, *supra* note 1. Children who have been charged with what would be a felony if committed by an adult are automatically fingerprinted and photographed. O.C.G.A. § 15-11-83 (a) (1994).

3. Bankhead Interview, *supra* note 1.

4. *Id.*

5. *Id.* Telephone Interview with Rep. Mike Snow, House District No. 2 (Apr. 3, 2002) [hereinafter Snow Interview]. The child would be photographed after he had absconded once and then returned because the act of absconding provides the probable cause. Bankhead Interview, *supra* note 1.

GBI agents proposed the photographing of juveniles who were placed in the Department of Juvenile Justice for any reason, and then escaped or absconded, but subsequently returned to the department.<sup>6</sup> The GBI developed the specific language needed and submitted the request to the Chairman of the House Public Safety Committee.<sup>7</sup>

### *HB 1105*

#### *Consideration by the House*

Representatives Mike Snow, Burke Day, Sistie Hudson, Bob Lane, and Buddy DeLoach of the 2nd, 153rd, 120th, 146th, and 172nd Districts, respectively, sponsored HB 1105.<sup>8</sup> The bill was introduced on January 29, 2002, and the House Speaker assigned the bill to the Public Safety Committee.<sup>9</sup> The Committee favorably reported the bill, without changes, on February 4, 2002.<sup>10</sup> Representative Snow handled the bill on the House floor.<sup>11</sup> The House unanimously passed the bill on February 13, 2002.<sup>12</sup>

#### *Consideration by the Senate*

On February 14, 2002, the Senate referred HB 1105 to its Public Safety Committee.<sup>13</sup> On March 19, 2002, the Committee favorably reported the bill without changes.<sup>14</sup> The Senate unanimously passed the bill on April 10, 2002.<sup>15</sup> Governor Roy Barnes signed the bill into law on May 13, 2002.<sup>16</sup>

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6. Bankhead Interview, *supra* note 1. Every year, the GBI needs a law changed or tweaked in some way. *Id.*

7. HB 1105, as introduced, 2002 Ga. Gen. Assem.

8. State of Georgia Final Composite Status Sheet, HB 1105, Apr. 12, 2002.

9. *Id.*

10. Audio Recording of House Proceedings, Feb. 13, 2002 (remarks by Rep. Mike Snow), at <http://www.state.ga.us/services/leg/audio/2002archive>.

11. Georgia House of Representatives Voting Record, HB 1105 (Feb. 13, 2002).

12. State of Georgia Final Composite Status Sheet, HB 1105, Apr. 12, 2002.

13. *Id.*

14. Compare HB 1105, as introduced, 2002 Ga. Gen. Assem., with O.C.G.A. § 15-11-83 (Supp. 2002); Georgia Senate Voting Record, HB 1105 (Apr. 10, 2002).

15. State of Georgia Final Composite Status Sheet, HB 1105, Apr. 12, 2002.

*The Act*

The Act adds a new subsection to Code section 15-11-83, which provides for the photographing of a child, who for any reason has been placed in the custody and control of the Department of Juvenile Justice, and who has absconded and subsequently returned to such custody.<sup>17</sup> The Act requires that the photographs of these children be filed separately from those of adults.<sup>18</sup>

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16. Compare 1995 Ga. Laws 619, § 5, at 621 (formerly found at O.C.G.A. § 15-11-83 (2001)), with O.C.G.A. § 15-11-83 (Supp. 2002). Snow Interview, *supra* note 5.

17. Compare 1995 Ga. Laws 619, § 5, at 621 (formerly found at O.C.G.A. § 15-11-83 (2001)), with O.C.G.A. § 15-11-83 (Supp. 2002). Snow Interview, *supra* note 5.