



## House Bill 245 Summary and Analysis<sup>1</sup>

### Origins of House Bill 246

House Bill 245 was introduced by Representative Wendell Willard on February the 2<sup>nd</sup> in the Georgia 2009 General Assembly Legislative Session. HB 245 is a legislative initiative of the Department of Juvenile Justice. The bill passed both chambers and Governor Perdue signed HB 245 on April 21, 2009.

### Legislative Purpose

The purpose of HB 245 is to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated (“O.C.G.A.”) relating to delinquency and unruly children to change provisions relating to the disposition of delinquent children. HB 245 would reduce the maximum length of time delinquent youth can remain in youth development centers from 60 to 30 days. The intent of HB 245 is to help DJJ meet budget constraints.

### Summary and Explanation of the Proposed Changes

HB 245 would reduce the maximum length of time delinquent youth can remain in youth development centers from 60 to 30 days. Specifically, HB 245 would amend O.C.G.A. § 15-11-66 in the following ways:

- 1) **Reducing the time delinquent youth can spend in youth development centers to 30 days.**
  - a. Current law states that a child may serve up to a maximum of 60 days in a youth development center.
  - b. The proposed change will allow a child to serve a maximum of 30 days in a youth development center.
- 2) In addition to modifying the maximum length of time a child can remain in a short term treatment program, HB 245 has a sunset provision which on or after July 1, 2011 will allow children to be assigned to short term treatment programs for a maximum of 60 days if funding is available within the agency.

### Benefits of HB 245

#### **Early release into the community**

1. Youth placed in youth development centers who exit after 30 days may be able to reintegrate into their communities and their families more quickly.
2. The Department of Juvenile Justice’s budget is predicated on the passage of HB 245 and the reduction of the maximum length of time that youth can be sentenced to short term

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treatment programs. The bill's passage will allow DJJ to adhere to the budget it submitted for fiscal year 2009 and reduce overall costs in the future.

### **Possible Drawbacks of HB 245**

#### **Public Safety**

1. According to a study conducted by the Research, Planning and Program Evaluation Unit of DJJ, children who exited short term treatment programs had higher than 55% recidivism rates<sup>2</sup>. Short term treatment programs are not effective in deterring criminal activity or rehabilitating youth. The study conducted by the Research, Planning and Program Evaluation Unit of DJJ found that early intervention and preventative programs are the best methods to prevent initial and secondary criminal activity. Any excess funding in 2011 may be better spent on preventative programs versus extending the maximum length of stay in Short Term Treatment Programs as the sunset provision allows.
2. Public safety may be compromised if youth return to their communities and commit other delinquent acts because they have not received the proper rehabilitative services.
3. Judges may lose one of their tools to address children who commit delinquent acts.

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<sup>2</sup> DEP'T OF JUV. JUSTICE, BASELINE RECIDIVISM RATES FY 1998-FY 2002, p. 7 (2004), *available at* <http://childwelfare.net/SJDC/recidivismresearch.pdf>.