Foundations of Government in Georgia

SS8CG1
SS8CG1 Describe the foundations of Georgia’s government.

a. Explain the basic structure of the Georgia state constitution (preamble, bill of rights, articles, and amendments) as well as its relationship to the United States Constitution.

b. Explain separation of powers and checks and balances among Georgia’s three branches of government.

c. Describe the rights and responsibilities of citizens according to the Georgia Constitution.

d. List voting qualifications for elections in Georgia.

e. Identify wisdom, justice, and moderation as the three principles in the Pledge of Allegiance to the Georgia Flag.
Foundations of Georgia’s Government

• Georgia has had 10 state constitutions since 1777.

• Each of these constitutions set the guidelines for those who governed the state and outlined the rights and responsibilities of Georgia’s citizens.

• Key concepts concerning Georgia’s present constitution include the constitution’s basic structure, the separation of powers and checks and balances, the rights and responsibilities of citizens, and voting qualifications and elections in Georgia.
Georgia’s Constitution

• Legislators began writing Georgia’s current constitution in 1977, and it was approved by the state’s citizens in 1983.
  • This was the largest rewrite of Georgia’s constitution since 1877.
• The goal was to create a brief, clear, and flexible constitution.
• The basic structure of the constitution includes the preamble, bill of rights, 11 articles, and amendments.
The preamble is a brief statement that identifies the fundamental purposes and principles for which the Georgia Constitution stands.

The preamble follows:

To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen and of the family, and transmit to posterity the enjoyment of liberty, we the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution.
Bill of Rights

• The bill of rights is found in Article I of the Georgia Constitution.

• A bill of rights enumerates (lists) certain individual liberties and protects those liberties from governmental intrusion, unless there is a sufficiently compelling justification for government action.

• Some rights from the original constitution of 1777 remain, however, the current bill of rights, originally written in 1861 by T.R.R. Cobb, has been “remarkably stable.”
Bill of Rights

• The Georgia Bill of Rights consists of forty paragraphs, which constitute Article I of the Constitution of 1983.

• Twenty-eight paragraphs enumerate individual rights, nine deal with the origins of government, and three are devoted to “general provisions.”

• Due to social changes through the years, however, some rights have been added to the bill.
The eleven articles comprise the bulk of the constitution and include paragraphs that outline the rules, rights, regulation, and procedures for both citizens and the state’s government.

- Article I: Bill of Rights
- Article II: Voting and Elections
- Article III: Legislative Branch
- Article IV: Constitutional Boards and Commissions
- Article V: Executive Branch
- Article VI: Judicial Branch
Articles

- Article VII: Taxation and Finance
- Article VIII: Education
- Article IX: Counties and Municipal Corporations
- Article X: Amendments to the Constitution
- Article XI: Miscellaneous Provisions

According to the *New Georgia Encyclopedia*, the Constitution of 1983 has several new provisions that were not in any of Georgia’s other constitutions.

- These include an equal protection clause, a division of the courts, and the nonpartisan (free from party ties or bias) elections of judges.
Amendments

• The process to amend Georgia’s Constitution is outlined in Article X. Amendments are changes to the GA Constitution that can be added to the end of it.

• Amendments can be proposed by the General Assembly (the proposed amendment appears on the state’s ballot for voter consideration) or by a state constitutional convention (elected delegates meet to propose revisions or amendments).
US vs GA Constitution

- State constitutions have to follow the US Constitution.
- The federal government does allow for states to make laws good for states as long as it follows the US Constitution.
- The Georgia Constitution contains many similarities as well as differences to the US Constitution.
Similarities include:

- Each constitution contains a bill of rights.
- Each adopts the concept of separation of powers with specific legislative, executive, and judicial branches.
- Executive leaders have power to appoint officials and veto bills.
- The legislative branches (the US Congress and Georgia General Assembly) are bicameral and each calls its two chambers the Senate and House of Representatives.
- Both governments allow judicial review (the power of the courts to declare acts unconstitutional).
GEORGIA’S BICAMERAL GENERAL ASSEMBLY and THE US CONGRESS
US vs GA Constitution – Differences

- Differences include:
  - Georgia’s Constitution is **longer in length** due to the specific, detailed policies.
  - **Georgia voters must approve any amendments** to the constitution while there is no comparable role for amending the US Constitution.
  - Georgia’s Constitution requires that the state maintain a balanced budget while the US Constitution does not place that limitation on the federal government.
  - According to the Georgia Constitution, the Georgia governor has line-item veto power (can cut a specific item from a spending bill) while the US President does not have the same power.
US vs GA Constitution – Differences

• Georgia elects almost all of its judges on non-partisan ballots while the President nominates judges for Senate approval.
• Legislators (both Senators and Representatives) in Georgia serve two-year terms while at the national level, Representatives serve two-year terms and Senators serve six-year terms.
• The Georgia governor does not function with a cabinet of advisors as does the President.
• The Georgia Constitution provides detailed information regarding how local governments should function. The US Constitution does not mention local government.
LEARNING TARGET

As a part of today’s learning target, explain the basic structure of the Georgia state constitution as well as its relationship to the United States Constitution.
Separation of Powers

• Like the federal government, the government of Georgia has separation of powers between the three branches of government, along with the powers to check and balance the actions of the other branches.

• Separation of powers allows our state government to maintain separate branches of government in order to keep any one branch from exercising the distinct functions of another.

• A simple way to describe these powers is that the legislative branch (the Georgia General Assembly) makes the laws, the executive branch (headed by the governor) carries out and enforces the laws, and the judicial branch (headed by the Georgia Supreme Court) interprets and determines the constitutionality of the laws.
Structure of Georgia Government

- State Capitol
- Governor's Mansion
- State Supreme Court
- General Assembly
- Governor
- Lieutenant Governor
- Supreme Court
Checks and Balances

• Checks and balances is a concept that the framers of the US Constitution created and that the state of Georgia adopted when creating its own constitution.

• Not only did they separate the powers of government, they created a system for each branch to check each other’s power.
  • An example of checks and balances can be observed in the process for how a bill becomes a law.

• If the General Assembly passes a law that the governor does not agree with, the governor can veto (reject) it.

• The General Assembly then has the option (if it can gather enough votes) to override the veto.

• Once the bill becomes a law, the Supreme Court determines if it is constitutional or not.
  • If the law is ruled unconstitutional, then it is null and void.
CHECKS AND BALANCES

EXECUTIVE BRANCH
- Veto legislation; Call special session
- Override veto; Confirm appointments; Impeach officials
- Determines whether laws are constitutional
- Can propose constitutional changes; Impeach officials

LEGISLATIVE BRANCH
- Reviews Executive Orders
- Appoints some court officials

JUDICIAL BRANCH
- Can propose constitutional changes; Impeach officials
SEPARATION OF POWERS and CHECKS AND BALANCES
As a part of today’s learning target, write a short explanation of the separation of powers and checks and balances among Georgia’s three branches of government.
The Rights of Citizens

• Both the Georgia and US Constitutions include a Bill of Rights outlining the rights of every citizen.

• For the most part, both documents have similar rights and freedoms, such as freedom of religion, freedom of speech, and the freedom of the press.

• However, Georgia’s Bill of Rights has several differences as compared to the US Bill of Rights.
The Rights of Citizens

• Paragraph I: **Life, liberty, and property.** No person shall be deprived of life, liberty, or property except by due process of the law.

• Paragraph III: Freedom of conscience. Each person has the natural and inalienable right to worship God, each according to the dictates of that person’s own conscience; and no human authority should, in any case, control or interfere with such right of conscience.

• Paragraph XXI: Banishment and whipping as punishment for crime. Neither banishment beyond the limits of the state nor whipping shall be allowed as a punishment for crime.

• Paragraph XXVIII: Fishing and Hunting. The tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good.
The Responsibilities of Citizens

In addition to rights, citizens of the state and nation also have **civic responsibilities**.

Some of these include:

- Paying taxes
- Serving on juries
- Volunteering
- Voting
As a part of today’s learning target, list and briefly explain the rights and responsibilities of citizens according to the Georgia Constitution.
Voting Requirements

- Voting qualifications in Georgia are determined by Georgia’s constitution.
- The three qualifications are:
  - Voters must be a citizen of the United States
  - Voters must be 18 years old by election day
  - Voters must be a legal resident of Georgia and the county in which a person wants to vote
- In addition, the voter cannot currently be serving time in jail for a felony offense or ruled to be mentally incompetent.
Voting Requirements

• There are several locations where Georgians can register to vote.

• Some of these include city, county, state offices, and libraries.

• Voters can also download a voter registration form online and mail it to the Georgia Secretary of State’s office.

• Voters are only allowed to vote at the polling place in their district (precinct) or via absentee ballot.
Election Types

• Once they are registered, Georgians usually vote in three types of elections.
  
  • Primary elections: an election where members of the Republican and Democratic party vote for candidates to run for a specific office such as governor, lieutenant governor, and secretary of state. These are open elections and the voter does not have to be a member of the party to vote. These elections are held in July or August during even numbered years.
  
  • General elections: an election where winners from both parties’ primaries, along with members of third parties and independents, compete for political offices. The elections are also held in even number years and take place on the second Tuesday of November.
Election Types

• Special elections: an election that is used to present a special issue to voters or to fill a vacancy.

• In Georgia, if a candidate does not receive more than 50%, even by less than a percent more, then there is a runoff election.

• This can take place in the primary or the general election.

• Voters sometimes have the opportunity to vote on a law.
  • This is called a referendum.
As a part of today’s learning target, list voting requirements in Georgia.
Georgia’s Principles

• Governor Eugene Talmadge signed a joint resolution of the General Assembly adopting a pledge of allegiance to the Georgia flag on March 28, 1935.

• The Georgia flag, at that time, featured three bars – two red and one white – and a vertical field of blue that featured the Georgia state seal.

• This pledge stated:
  • *I pledge allegiance to the Georgia flag and to the principles for which it stands; Wisdom, Justice, and Moderation.*
Georgia’s Principles

• Though never formally adopted as an official motto for the state, wisdom, justice, and moderation became a part of the state seal in 1799.

• As information, some historians have concluded that the words in the motto mean the following:
  • Wisdom – applies to the Legislative branch and its making of state laws
  • Justice – applies to the just and fair decisions made by the Judicial branch
  • Moderation – applies to the use of moderation in administering laws by the Executive branch
As a part of today’s learning target, what are the three principles in the Pledge of Allegiance to the Georgia Flag?
MAKING THE LAWS

Georgia
Georgia’s Legislative Branch: The General Assembly
S8CG2 Analyze the role of the legislative branch in Georgia.

a. Explain the qualifications for members of the General Assembly and its role as the lawmaking body of Georgia.

b. Describe the purpose of the committee system within the Georgia General Assembly. c. Explain the process for making a law in Georgia.

d. Describe how state government is funded and how spending decisions are made.
The General Assembly—just like the US Congress—consist of the House of Representatives and a Senate.

The House has 180 members.

The Senate has 56 members.

Qualifications for legislators in both groups include US citizenship, Georgia citizenship for at least 2 years, and legal residence in their districts for at least 1 year.

Senators must be at least 25 years old—House of Representatives must be at least 21.
GEORGIA’S BICAMERAL GENERAL ASSEMBLY
TERM

× The term of office is 2 years with no limit on consecutive terms.

× General Assembly members are elected in their local districts.

× The legislative session begins on the second Monday in January for a period of 40 days.

× Sometimes they are called back later in the year for a special session.
DUTIES

- Duties of the General Assembly include making laws to ensure the welfare of citizens, and to represent the views of their constituents.

- What does constituents mean? It means a citizen residing within the district of an elected representative.
LEADERSHIP IN THE GENERAL ASSEMBLY “SENATE”

- Georgia’s state constitution names the lieutenant governor as president of the Senate.
- The lieutenant governor cast a vote if there is a tie, make committee assignments, and name committee chairman.
- Other officers are elected by Senate members.
- They include a president pro tempore (serves when president is absent), secretary, administration floor leader, messenger, and doorkeeper.
Members of the House of Representatives choose all of their officers.

The presiding officer is the Speaker of the House.

Other officers include a Speaker pro tempore, clerk, messenger, sheriff, and doorkeeper.
LEARNING TARGET

As a part of today’s learning target, explain the qualifications for members of the General Assembly and its role as the lawmaking body in Georgia.
The committee system is an important part of the legislative process. Both houses use committees to study bills before they are sent to the members for debate and vote. Committee members are appointed by the leader of each legislative body. Some of the most important committees are involved with taxation, appropriations (spending public money), judiciary, education, and rules.
As a part of today’s learning target, describe the purpose of the committee system within the Georgia General Assembly.
HOW LAWS ARE MADE

Georgia’s Legislative Branch: The General Assembly
1. BILL IS INTRODUCED BY A GENERAL ASSEMBLY MEMBER

2. BILL IS SENT TO COMMITTEE FOR STUDY

3. COMMITTEE MAY RECOMMEND BILL NOT BE PASSED

4. COMMITTEE MAY RECOMMEND BILL BE PASSED, OR BE PASSED WITH CHANGES.

5. COMMITTEE MAY REFUSE TO RELEASE THE BILL, OR MAY MAKE NO RECOMMENDATION

6. BILL SENT TO THE FLOOR OF THE HOUSE IT STARTED IN; BILL IS DEBATED; MAY BE AMENDED.

7. HOUSE MAY REFUSE TO PASS THE BILL

8. HOUSE MAY PASS THE BILL WITH A MAJORITY VOTE

9. BILL GOES TO THE OTHER HOUSE FOR THE SAME PROCESS. IF PASSED, IT IS SIGNED BY OFFICIALS IN BOTH HOUSES.
GEORGIA’S BICAMERAL GENERAL ASSEMBLY
10. BILL GOES TO THE GOVERNOR

11. GOVERNOR MAY SIGN THE BILL INTO LAW.

12. GOVERNOR MAY VETO BILL; SENDS IT BACK TO ORIGINATING HOUSE.

BILL MUST PASS AGAIN WITH 2/3 MAJORITY VOTE IN BOTH HOUSES; IT BECOMES A LAW BUT IS VERY HARD TO DO.
As a part of today’s learning target, explain the process for making a law.
HOW LAWS ARE MADE.

BILL IS INTRODUCED BY A GENERAL ASSEMBLY MEMBER

BILL IS SENT TO COMMITTEE FOR STUDY

COMMITTEE MAY RECOMMEND BILL BE PASSED, OR BE PASSED WITH CHANGES.

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BILL SENT TO THE HOUSE; BILL IS DEBATED; MAY BE AMENDED.

HOUSE MAY REFUSE TO PASS THE BILL

HOUSE MAY PASS THE BILL WITH A MAJORITY VOTE

BILL GOES TO THE OTHER HOUSE FOR THE SAME PROCESS. IF PASSED, IT IS SIGNED BY OFFICIALS IN BOTH HOUSES.

BILL GOES TO THE GOVERNOR

GOVERNOR SIGNS THE BILL INTO LAW.

GOVERNOR MAY VETO BILL; SENDS IT BACK TO ORIGINATING HOUSE. IF BILL PASSES AGAIN WITH 2/3 MAJORITY VOTE IN BOTH HOUSES, IT BECOMES A LAW.
THE EXECUTIVE BRANCH
SS8CG3 Analyze the role of the executive branch in Georgia state government.

a. Explain the qualifications for the governor and lieutenant governor and their role in the executive branch of state government.

b. Describe how the executive branch fulfills its role through state agencies that administer programs and enforce laws.
GOVERNOR

- The governor of Georgia is the state’s chief executive.

- To qualify for office: must be at least 30 years old, a US citizen for 15 years, and a Georgia resident for 6 years.
TERM AND HOW ELECTED?

× The term of office is four years, with a total of two consecutive terms allowed.

× The governor is elected by the people of Georgia.
DUTIES

Duties of the governor include:
1. Suggesting new state programs and laws
2. Proposing and directing the state budget
3. Appointing members of state boards
4. May also call special sessions of the legislature and may sign or veto laws proposed by legislature.
5. Also, in charge of the Georgia National Guard (state militia)
THE LIEUTENANT GOVERNOR

- The lieutenant governor is the second highest elected official in Georgia.

- Qualifications are identical to those of governor: must be at least 30 years old, a US citizen for 15 years, and a Georgia resident for 6 years.
TERM AND HOW ELECTED?

- Term of office is also **four** years-BUT- there is no limit on the number of terms.

- Lieutenant governor candidates do not run on the same ticket as the candidate for governor.

- They run separately, which means that the winners could be from two different political parties. THAT COULD GET TRICKY!!!!
WHAT IF????

- What if the governor dies?
- If the governor dies while in office, the lieutenant governor takes over until the next general election.
- His other main duty is presiding over the Senate, a very important role in the legislative process.
Besides the governor and lieutenant governor, Georgia’s constitution calls for the election of six other officials in the executive branch:

1. Attorney General: heads the department of law. Gives legal advice to state officials. Represents the state of Georgia in certain criminal and civil cases.
2. **Secretary of State**: handles administrative duties for the state including recordkeeping, chartering of new business, supervising elections, and regulating the sale of corporate stocks and bonds.

3. **State School Superintendent**: heads the department of education. This department certifies teachers, approves textbooks, and distributes funds. With the largest budget of all state agencies, policies made by this department have a major impact on the state.
4. **Agriculture Commissioner:** oversees and regulates the state’s agriculture industry, including food production, consumer safety, and livestock. Since agriculture is a major industry in Georgia, agriculture policies are critical to the state’s economy.

5. **Insurance and Safety Fire Commissioner:** regulates insurance business and protects consumers. Also makes sure public buildings and schools follow fire safety rules.

6. **Labor Commissioner:** investigates labor complaints, works to protect the health and safety of industrial workers, and handles unemployment insurance.
**QUIZ TIME**

**WHO’S RESPONSIBLE? MATCH THE COMMISSIONER WITH THE CORRECT DEPARTMENT ACTIVITY.**

<table>
<thead>
<tr>
<th>Number</th>
<th>Activity Description</th>
<th>Commissioner</th>
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<tbody>
<tr>
<td>1.</td>
<td>___ Represents Georgia in Atlanta murder case.</td>
<td>A. Attorney general</td>
</tr>
<tr>
<td>2.</td>
<td>___ Investigates new company selling life insurance in Georgia.</td>
<td>B. Secretary of State</td>
</tr>
<tr>
<td>3.</td>
<td>___ Sets new salaries for state teachers.</td>
<td>C. State School superintendent</td>
</tr>
<tr>
<td>4.</td>
<td>___ Calls for volunteers to help at polling places on election day.</td>
<td>D. Agricultural commissioner</td>
</tr>
<tr>
<td>5.</td>
<td>___ Promotes 4-H programs to interest young people in agriculture.</td>
<td>E. Insurance commissioner</td>
</tr>
<tr>
<td>6.</td>
<td>___ Investigates charges of unsafe working conditions in chemical plant.</td>
<td>F. Labor commissioner</td>
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</tbody>
</table>
As a part of today’s learning target, explain the qualifications for the governor and lieutenant governor and their role as the executive branch of state government.
SS8CG4 Analyze the role of the judicial branch in Georgia state government.

a. Describe the ways that judges are selected in Georgia.

b. Analyze the dual purpose of the judicial branch: to interpret the laws of Georgia and administer justice in our legal system.

c. Explain the difference between criminal law and civil law.

d. Explain the steps in the adult criminal justice system beginning with arrest.
GEORGIA’S COURT SYSTEM

Georgia’s court system is organized into seven levels.

- Appellate-level courts:
  1. The Supreme Court
  2. Court of appeals

- Five trial level courts:
  1. superior
  2. state
  3. juvenile
  4. probate
  5. magistrate courts

- Municipal and special courts function at the local level.
APPELLATE COURTS: HANDLES APPEALS FROM LOWER COURTS

- Supreme Court of Georgia- highest court in state; has nine justices (as of 2016), no jury

- Court of Appeals- twelve judges work in panels of three to hear cases-no jury
FIVE TRIAL-LEVEL COURTS

☒ Superior Courts-can hear almost any civil or criminal case; <judge and jury>

☒ State Courts-jurisdiction (which means the power, right, or authority to interpret and apply the law) over misdemeanor violations and civil cases; <judge and jury>

☒ Juvenile Courts- jurisdiction over delinquent children under the age of 17, as well as deprived children under 18 <no jury>

☒ Probate Courts-handle administrative matters such as wills and administration of estates; <may have a jury>
FIVE TRIAL-LEVEL COURTS (CONT..)

- **Magistrate Courts** - handle small civil claims, bad checks, arrest warrants, etc... <no jury>
HERE COMES THE JUDGE!
Judges in Georgia are selected in two ways:
- elected
- appointed

Judges in the Supreme Court, Court of Appeals, superior, state, and probate courts are elected to their positions.

Most magistrate court judges are elected but some are appointed by their local legislature.

Juvenile court judges are appointed by superior court judges.
As a part of today’s learning target, describe the ways judges are selected in Georgia.
QUIZ TIME-AGAIN

1. Which is the highest court in Georgia?
   a. State Court  b. Superior Court  c. Supreme Court

2. Which court does not have a jury?
   a. State Court  b. Juvenile Court  c. Superior Court

3. Which court can hear almost any civil or criminal case?
   a. Magistrate Court  b. Superior Court  c. Probate Court

4. Which court has 12 judges?
   a. Supreme Court  b. Juvenile Court  c. Court of Appeals

5. If you got a bad check from someone, which court would help you?
   a. Magistrate Court  b. Supreme Court  c. Juvenile Court

6. Which court handles wills and other administrative matters?
   a. Magistrate Court  b. State Court  c. Probate Court

7. A misdemeanor like trespassing would be handled by which court?
   a. Court of Appeals  b. Probate Court  c. State Court
YOU HAVE TO OBEY THE LAW!

- Laws are designed to protect people and respond to damaging acts committed by others.
- There are two types of law - criminal law and civil law.
CRIMINAL LAW

Criminal law deals with actions that harm people and society.

Examples are: driving under the influence of intoxicants (DUI), murder, or robbery of someone at gunpoint to name just a few...
Civil law handles private disputes such as divorce, property ownership, contracts, or personal injuries to name a few….and usually involve money.
BIZARRE LAWSUITS
OTHER DIFFERENCES IN CRIMINAL AND CIVIL LAW

✗ A criminal case is introduced by the government. The prosecuting attorney seeks punishment, which could be a fine, imprisonment, or death.

✗ In a criminal case, the defendant has a right to testify to defend himself, or he can choose not to testify under the 5th Amendment to the U.S. Constitution.

✗ Guilt is harder to prove in a criminal case. The prosecution must prove that the defendant is guilty “beyond a reasonable doubt.”

✗ A civil case is brought by a private party seeking monetary ($) damages.

✗ In a civil case, the defendant can be forced to testify.

✗ In a civil case, the plaintiff (person who brings a lawsuit against another) only has to show guilt of the other party by a “preponderance of the evidence” which means superior or enough influencing evidence.
WHY SUCH A DIFFERENCE IN CRIMINAL AND CIVIL CASES?

Why is it so much more difficult to prove a criminal case?

- Because life and liberty are at stake in a criminal case; our society considers them more important than money!
LEARNING TARGET

As a part of today’s learning target, explain the difference in criminal law and civil law.
QUIZ TIME! YES-AGAIN!

Read the statements below. Write “C” if it describes a civil case, and “CR” if it describes a criminal case.

1. Drunken driver charged with killing two people in highway accident.
2. Elderly woman files lawsuit against grocery store after she slips in wet produce aisle.
3. Husband brings divorce action against wife.
4. Woman charges photographer with breach of contract after he fails to take pictures at her wedding.
5. Teenager charged with armed robbery of a convenience store.
6. Man charged with setting fire to businesses in five states.
FELONY VS. MISDEMEANOR

✕ **Capital felony:** a crime that is punishable by death. Murder is a capital felony.

✕ **Felony:** a very serious crime. It is punishable by a prison sentence of more than one year. Examples: arson, kidnapping, robbery, rape, burglary, selling illegal substances (drugs), and motor vehicle theft.

✕ **Misdemeanor:** carries a less severe punishment: one to twelve months in jail and/or a fine set by the court. Examples: trespassing, shoplifting, cruelty to animals, and assault and battery (fist fights) with minor injuries.
There are several steps in the adult criminal justice process. These steps ensure that every person with a trial has due process and a fair trial. Due process means that the law is being followed properly. There is a pretrial process and a trial process.

**Adult Justice**

**The pretrial process:**

- **Arrest and booking** - A person is arrested and documented in the local jail - a mug shot is taken.

- **Initial appearance** - The defendant (person arrested - the offender) appears before a magistrate judge determines if you have enough evidence to be charged with a crime.

- **Preliminary Hearing** - The judge determines if there is enough evidence to for probable cause for the defendant and proceed with bringing it to a grand jury.

- **Grand Jury** - A panel of citizens determine if there is enough evidence to take the defendant to trial.

- **Arraignment** - If the jury finds enough evidence, formal charges are read and the case is assigned and taken to the Superior Court.
• **Admitting Guilt/Plea Bargaining** - the defendant can proclaim guilt and settle the case. If the defendant says that he/she is not guilty, the case proceeds to trial. The trial process:
  
  • **Jury selection** - A jury (or group) of 12 peers is selected for a criminal trial. This group will determine your guilt or innocence.
  
  • **Opening statements** - These are given by each side - proclaiming guilt or innocence.
  
  • **Evidence is presented** - The jury examines evidence and witnesses are summoned from both sides.
  
  • **Closing Statements** - Both sides present final statements declaring the guilt or innocence of the defendant.
  
  • **Jury deliberation** - The jury reviews the evidence and makes a decision. This decision can take hours or days.
  
  • **Verdict** - The jury delivers the verdict to the judge. The jury determines if the defendant is guilty or not guilty.
  
  • **Sentence** - If guilty, the judge sentences the defendant. The sentence depends on the crime committed.
  
  • **Appeal** - All cases are subject to an appeal (or review). The higher courts may or may not decide to review the case.
As a part of today’s learning target, explain the steps in the adult criminal justice system beginning with arrest.
MORE JUDICIAL BRANCH

HISTORY OF THE JUVENILE COURT
STANDARDS:

SS8CG5 Explain how the Georgia court system treats juvenile offenders.

a. Explain the difference between delinquent and unruly behavior and the consequences of each.

b. Describe the rights of juveniles involved in the juvenile justice system.

c. Explain the steps in the juvenile justice system when a juvenile is first taken into custody.
For many years, children who had committed a crime were treated the same way and housed in the same jails as adults.

The practice began to change in the 1800’s during the Progressive Era. This was the time when many social reforms took place in the United States, including the women’s suffrage movement and efforts to stop child labor.
Reform

- Reformers believed it was better to rehabilitate young offenders than punish them.
- Juvenile homes known as “reform schools” were set up to house children and teens, and juvenile courts began to be established to meet their district needs.
- One of the first juvenile homes was established in New York in 1824, and the first juvenile court was organized in Chicago in 1899.
GEORGIA REFORMS

× In 1905, Georgia built the Georgia State Reformatory for children and teens 16 years of age and younger.

× In 1911, Georgia established its first juvenile court in Fulton County.

× Every Georgia county has a juvenile court today, which may be an independent court or part of the superior court system.

× Georgia legislators created the Department of Juvenile Justice in 1992 to oversee the youth justice system.
DELINQUENT BEHAVIOR AND UNRULY BEHAVIOR

✗ A delinquent act is an act that would be considered a crime if committed by an adult. (ex. Burglary or car theft)

✗ Unruly behavior or status offense refers to an act that would not be considered a crime if committed by an adult. (ex. Running away from home, being repeatedly truant [late] from school, or possessing alcoholic beverages.)
As a part of today’s learning target, explain the difference between delinquent and unruly behavior.
JUVENILE JUSTICE VS. ADULT JUSTICE

- One important difference between juvenile and adult justice is the basic purpose of the courts.
- In juvenile court, the emphasis is on rehabilitating youngsters.
- In adult court, the emphasis is on punishment.

"Court is recessed until the big hand is on the three."
JURISDICTION

- Juvenile courts have jurisdiction (power, authority, control) over cases involving children under 17 years of age, or children under 18 who don’t have a parent or guardian.

- In Georgia, juvenile courts stand alone or may be part of the superior court system. All Georgia courts except juvenile courts have jurisdiction in adult cases.
DIFFERENT TERMINOLOGY

1. Juveniles are “taken into custody,” while adults are “arrested.”

2. If found guilty of a crime, juveniles are called “delinquent,” while adults are “guilty.”

3. Juveniles are put on “aftercare” after their sentence is served; adults are put on “parole.”
**DIFFERENT PROCEDURES**

**Basic procedures for adult felony cases**

- A person is accused of a crime; may be arrested if police have probable cause.
- The accused may be committed to jail or released on bail.
- The case proceeds to an arraignment where probable cause is reviewed, the defendant may be appointed an attorney, and a plea is entered.
- A court date is set and a trial is conducted.
- A guilty verdict may be appealed to the Court of Appeals or directly to the Supreme Court in certain cases.
BASIC PROCEDURES IN JUVENILE CASES

There are several steps in the juvenile justice process. These steps include:

- **Intake Officer** - The juvenile is brought to an intake officer who decides if there is enough evidence to make a charge against them.

- **Release or Detained** - If there is not enough evidence, the juvenile is released to their parents or guardian; if there is enough evidence against the juvenile, they are held in a youth detention center or adult prison depending on the crime. If the juvenile is detained, there must be a hearing within 72 hours to determine if proceedings should continue.

- **Informal Adjustment** - (optional if a juvenile is a first-time offender) The juvenile must admit guilt to the judge and is under the supervision of the courts for 90 days.

- **Adjudicatory Hearing** - The judge determines the juvenile’s guilt or innocence. Juries do not hear juvenile cases.

- **Disposition Hearing** - The judge hears witnesses and determines the punishment for the juvenile.

- **Sentencing** - The judge rules on the juvenile’s punishment, which can include boot camp, probation, the youth detention center, fines, and/or mandatory counseling and school attendance.

- **Appeal** - The juvenile can appeal the ruling if there is enough evidence to prove that they were innocent.
MELISSA’S HEARING
As a part of today’s learning target, give some possible consequences of delinquent and unruly behavior.
GEORGIA’S SEVEN DEADLY SINS

IN 1994, THE GEORGIA LEGISLATURE ADDRESSED THE ISSUE OF INCREASINGLY VIOLENT YOUTH CRIMES. IT PASSED AN AMENDMENT TO THE GEORGIA JUVENILE CODE (SB 440) THAT LISTED SEVEN DELINQUENT BEHAVIORS AS AUTOMATICALLY OUTSIDE THE JURISDICTION OF JUVENILE COURT. *CHILDREN BETWEEN THE AGES OF 13 AND 17 WHO ARE THOUGHT TO HAVE COMMITTED ANY OF THESE SEVEN CRIMES WILL BE TRIED AS ADULTS IN A SUPERIOR COURT. THESE 7 CRIMES ARE:

- Aggravated child molestation
- Aggravated sexual battery
- Aggravated sodomy
- Murder
- Rape
- Voluntary manslaughter
- Armed robbery with a firearm

The consequences of being found guilty of any of these crimes are harsh punishments. The punishment for murder, for example, may be life in prison or even death.
Young Kids, Hard Time
WHEN DOES VIOLENT JUVENILE CRIME OCCUR?
USE THE PERCENTAGES OF VIOLENT JUVENILE CRIMES AND THE TIME OF DAY THEY OCCUR TO COMPLETE THE CHART BELOW. DRAW THE CHART AND PLACE A DOT ON THE CORRECT SPOT, AND THEN CONNECT THE DOTS.
USING THE CHART YOU COMPLETED, ANSWER THE FOLLOWING QUESTIONS

✗ What time of day does the lowest percentage of violent juvenile crime take place?

✗ What time of day does the highest percentage of violent juvenile crime take place?

✗ Why do you think crime is highest at these hours?
When a juvenile is taken into custody, he or she has several rights. The rights that are afforded to juveniles include:

- The right to have a parent or guardian present before they can be questioned by authorities
- The right not to have their names or photographs made public
- The right to two phone calls (parent and attorney)
- The right to not self-incriminate and to be counseled on what self-incrimination is
- The right not to be placed with adult offenders
- The right for parents to be contacted immediately

Unlike adults, in order for a juvenile to be taken into custody, the law enforcement officer must only have reasonable grounds to believe that the juvenile committed an offense.

- Hard to believe but true! Boys end up in the juvenile justice system more often than girls. Why? Males are more likely to be attracted to risky behavior!
LEARNING TARGET

As a part of today’s learning target, describe the rights of juveniles involved in the juvenile justice system.
STANDARDS

- SS8CG6 Analyze the role of local governments in the state of Georgia.
  - a. Explain the origins and purposes, of city, county, and special-purpose governments in Georgia.
  - b. Describe how local government is funded and how spending decisions are made.
A county is an administrative subdivision of a state or territory.
The Constitution of 1777 established 8 counties in the state of Georgia.
Today-Georgia has 159 counties-more than any other state except Texas!
The headquarters of county government is the county seat, usually the largest city in the county.
The original purpose of Georgia counties was to determine jurisdictions for state representatives. Services and functions increased over the years to include elections, road building and repair, conducting local courts, automobile licensing, and welfare and public assistance programs. Since about 2/3’s of Georgia residents live outside a city, the Constitution of 1983 granted even more services to county governments in recent years. A government in which city and county government have joined to form a single government is called a consolidated government.
THE COUNTY (CONT...)

	Counties are governed by an elected commissioner or a board of commissioners (Most counties in Georgia are headed by this.)

	There are four other elected county officials: sheriff, tax commissioner, clerk of the superior court, and judge of the probate court.

HARD TO BELIEVE BUT TRUE!

Stories say that Georgia ended up with such a large number of counties so that a farmer who needed to do business in the county seat could make the trip there and back in one day (traveling by mule and buggy, of course!)
QUICK CHECK

× Name four services provided by county government.

× Who governs a county?

× Name four elected county officials.
WHAT DO YOU KNOW ABOUT YOUR OWN COUNTY???

✗ What is the name of your county?

✗ In what year was it founded?

✗ Who or what is your county named for?
THE CITY

- Cities are government granted charters by the general assembly. (The form of government and city boundaries are stated in the charter).
- Most cities are led by a mayor and city council, while some have city managers.
- Georgia has 500 municipalities (cities, villages, or towns with its own organized government.)
Early Georgia cities originated in areas that were important trade centers.
The purpose of a city is to provide services above and beyond those given by the county government.
Just a few of the city functions include police and fire protection, garbage collection, water services, public transportation, and public health services.
THE CITY (CONT…)

✗ As county services have grown in Georgia, cities and counties have had to agree on who is providing which service to avoid duplication.

✗ The main difference between counties and cities are:

1. **Origin** (cities created by charter; counties created by state constitution)
2. **Services**
3. **Form of Government**
CHECK UP!

✗ Name four city functions.

✗ Who governs most cities?

✓ Do you know????????
  ✓ When was your city founded?
  ✓ How did it get its name?
WHO’S REALLY IN CHARGE?

✕ The true governing power in Georgia municipalities changes from place to place. Most cities have one of the following forms of government:

1) **Strong mayor-council:** There is definite separation of powers between the mayor and city council. The mayor has total responsibility for day-to-day operations. He hires and fires city staff, takes care of the budget, and may have veto power over council actions. The city council serves as the legislature, and may have the power to override the mayor’s veto.
WHO’S REALLY IN CHARGE? (CONT…)

2) **Weak mayor-council:** the mayor and city council share the policymaking role. The mayor is not a true chief executive, often limited in power to make appointments, create the budget, or veto council resolutions. (The mayor is typically ceremonial and has no real power). THE CITY COUNCIL POSSESSES MOST OF THE POWER IN THIS FORM OF CITY GOVERNMENT.
3) **Council manager:** Here the city government is set up like that of a corporation. The citizens (“shareholders”) elect a city council (“board of directors”). The city council establishes policies, passes ordinances, and supervises the government. The council hires a city manager who handles the city’s daily operations and holds the power to hire staff, fire staff, and administer the budget. The mayor may be a member of the city council itself.
MATCHING

1. ___ Strong-mayor council

2. ___ Weak mayor-council

3. ___ Council manager

A. Separation of powers is evident.

B. Powerful city council hires person to run the city.

C. City council holds more power than the mayor.
GOVERNMENT ON A SMALLER SCALE....

× Georgia also has another form of local government known as the **special-purpose** district or authority.
  + These are set up by a city or county to meet a specific need or do a special job.
    Examples include operating public schools, a mass transit system (MARTA in ATL.), an airport, a water and sewer system, Public Housing Authority, community fire departments, and parks and recreation.

- **Special-purpose** governments can also be established in a city to advance economic development. (One example is an authority set up to revitalize an old downtown district.)
  × Special-purpose governments are funded by loans or user fees instead of taxes. They are especially valuable because they can be flexible, concentrate on a single need, and provide services across city or county lines.

× MAIN PURPOSE: TO PROVIDE FOR THE PUBLIC WELFARE (WELL BEING)
LEARNING TARGET

As a part of today’s learning target, explain the origins and purposes, of city, county, and special-purpose governments in Georgia.
Local governments generate revenue for programs through tax and non-tax programs. In the chart below, the types of tax and non-tax revenue sources are identified:

<table>
<thead>
<tr>
<th>Kind of Revenue</th>
<th>Type of Revenue</th>
<th>Definition</th>
<th>Information</th>
</tr>
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</table>
| Ad Valorem Tax  |                  | • A tax based on the value of a transaction or of property; usually paid at the time of transaction | • Real property - land, buildings  
• Personal property - cars, boats  
• Inventoried goods of a business  
• Intangible goods - real estate notes  
• Exemptions - public property, places of worship, household furniture, personal clothing |
| Sales and Use Tax |                  | • A tax placed on the purchase, sale, rental, storage, use or consumption of tangible property | • Local Option Sales Tax (LOST) - used to reduce millage rate  
• Special Purpose Local Option Sales Tax (SPLOST) - a tax on identified projects; referendum establishes purpose of tax, length of time the tax is in place, and amount of revenue desired  
• sales tax for educational purposes (STEP) - a one percent sales tax levied by boards of education for educational use only |
| Franchise Tax   |                  | • a tax placed on public utilities | • tax on electric, gas, telephone, cable television and other public utilities  
• franchise fees are negotiated between the local government and the franchisee |
| Excise Tax      |                  | • a tax paid when purchases are made on a specific good, such as gasoline | • taxes on alcoholic beverages, insurance premiums, hotel-motel rooms, and rental cars |
| Regulatory Fees |                  | • mandatory fees that are required for a business or a professional to operate within a county | • Business and professional fees |
| Non-Tax Revenue | Revenues generated from non-tax sources | • Non-tax sources can generate funds for municipalities and counties to operate. | • Federal grants  
• Fines, court fees and costs  
• Interest earned on idle funds  
• Service fees on water, sewage, and solid-waste collection  
• 911 user fees  
• Building permit fees |
FINAL QUIZ!!!!!!!!!!!!!

✗ WRITE T FOR TRUE AND F FOR FALSE.

1. Special-purpose government is a form of local government.

2. A public school system is an example of a special-purpose government.

3. Taxes help pay for special-purpose governments.

4. Special-purpose governments are not allowed to cross city or county boundaries.
THE END!

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