

Senate Bill 376

By: Senators Kemp of the 3rd, Marable of the 52nd, Thomas of the 54th, Mullis of the 53rd,  
Harp of the 16th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 magistrate courts, so as to provide for increased jurisdiction over certain misdemeanors; to  
3 repeal Article 10 of said chapter; to provide for exceptions; to provide for related matters;  
4 to provide for an effective date and applicability; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate  
9 courts, is amended in Code Section 15-10-2, relating to jurisdiction, by striking paragraph  
10 (12) and renumbering paragraphs (13) and (14) as (12) and (13), respectively.

11 **SECTION 2.**

12 Said chapter is further amended by repealing and reserving Article 10 thereof, relating to  
13 deposit account fraud prosecutions.

14 **SECTION 3.**

15 Said chapter is further amended by striking Code Section 15-10-260, relating to jurisdiction  
16 over trials of certain misdemeanors and penalties, in its entirety and inserting in lieu thereof  
17 the following:

18 "15-10-260.

19 (a) This article governs trials of all misdemeanor violations of this Code except the  
20 misdemeanor offenses contained in Title 40 Code Sections 16-13-30 and 16-13-2, relating  
21 to possession of less than one ounce of marijuana; Code Section 16-8-14, relating to theft  
22 by shoplifting of \$300.00 or less; Code Section 3-3-23, relating to furnishing alcoholic  
23 beverages to, and purchase and possession of alcoholic beverages by, a person under 21  
24 years of age; and Code Section 16-7-21, relating to criminal trespass.

1 (b) Magistrate courts are authorized to conduct trials and impose sentences for violations  
 2 of the misdemeanors specified in subsection (a) of this Code section; ~~provided, however,~~  
 3 ~~that the violation must have occurred in the unincorporated area of the county.~~

4 (c) A person convicted of ~~violation~~ of a misdemeanor violation specified in subsection (a)  
 5 of this Code section shall be punished as provided in the applicable statutory misdemeanor  
 6 penalty provision for the offense paragraphs (1) through (4) of this subsection as follows:

7 ~~(1) For possession of less than one ounce of marijuana, as provided in subsection (b) of~~  
 8 ~~Code Section 16-8-14;~~

9 ~~(2) For theft by shoplifting, as provided in paragraph (1) of subsection (b) of Code~~  
 10 ~~Section 16-8-14;~~

11 ~~(3) For furnishing alcoholic beverages to, and purchase and possession of alcoholic~~  
 12 ~~beverages by, a person under 21 years of age, as provided in Code Section 3-3-23.1; and~~

13 ~~(4) For criminal trespass, as provided in subsection (d) of Code Section 16-7-21.~~

14 (d) The jurisdiction of magistrate courts to try and dispose of the misdemeanor violations  
 15 enumerated in subsection (a) of this Code section shall be concurrent with the jurisdiction  
 16 of any other courts having jurisdiction to try and dispose of such cases, but magistrate  
 17 courts shall not have jurisdiction over any felony violations notwithstanding whether a  
 18 particular offense enumerated in subsection (a) of this Code section identifies felony  
 19 punishment within the Code section."

#### 20 SECTION 4.

21 This Act shall become effective on January 1, 2003, and apply to all offenses committed on  
 22 or after that date.

#### 23 SECTION 5.

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