

The Senate Judiciary Committee offered the following substitute to SB 296:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 17-4-23 of the Official Code of Georgia Annotated, relating to
2 procedure for arrests by citation for motor vehicle violations, issuance of warrants for arrest
3 for failure of persons charged to appear in court, and bond, so as to change certain provisions
4 relating to when an arrest may be made; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Code Section 17-4-23 of the Official Code of Georgia Annotated, relating to procedure for
8 arrests by citation for motor vehicle violations, issuance of warrants for arrest for failure of
9 persons charged to appear in court, and bond, is amended by striking subsection (a) and
10 inserting in lieu thereof the following:

11 "(a) A law enforcement officer may arrest a person accused of violating any law or
12 ordinance governing the operation, licensing, registration, maintenance, or inspection of
13 motor vehicles by the issuance of a citation, provided the offense is committed in his
14 presence or information constituting a basis for arrest concerning the operation of a motor
15 vehicle was received by the arresting officer from a law enforcement officer observing the
16 offense being committed; except that, where the offense results in an accident, when a
17 violation of Code Section 40-6-163 is reported by a school bus driver as provided in said
18 Code section, or when a violation of Code Section 40-6-163 is captured on a video
19 recording device or other recorded image that provides visual evidence of the infraction,
20 an investigating officer may issue citations regardless of whether the offense occurred in
21 the presence of a law enforcement officer. The arresting officer shall issue to such person
22 a citation which shall enumerate the specific charges against the person and the date upon
23 which the person is to appear and answer the charges. Whenever an arresting officer makes
24 an arrest concerning the operation of a motor vehicle based on information received from
25 another law enforcement officer who observed the offense being committed, the citation

shall list the name of each officer and each must be present when the charges against the accused person are heard."

SECTION 2.

4 All laws and parts of laws in conflict with this Act are repealed.