

SENATE SUBSTITUTE TO HB 1169:

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated,
 2 relating to municipal courts generally, so as to provide that misdemeanor offenses or
 3 ordinance violations tried in municipal courts may be tried upon a citation or an accusation;
 4 to amend Code Section 17-7-71, relating to trial of misdemeanors upon accusations, trial of
 5 misdemeanor motor vehicle violations upon citations, form and contents of accusations,
 6 amendment and service of accusations, and continuances, so as to change certain provisions
 7 relating to use of accusations in misdemeanor cases; to provide that citations may be
 8 amended; to provide for related matters; to provide an effective date; to repeal conflicting
 9 laws; and for other purposes.

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

11 **SECTION 1.**

12 Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to
 13 municipal courts generally, is amended by inserting a new Code section to read as follows:

14 "36-32-10.2.

15 Notwithstanding any other contrary provision of law, in municipal courts which have
 16 jurisdiction over misdemeanor offenses or ordinance violations, such offenses or violations
 17 may be tried upon a uniform traffic citation, summons, citation, or an accusation."

18 **SECTION 2.**

19 Code Section 17-7-71 of the Official Code of Georgia Annotated, relating to trial of
 20 misdemeanors upon accusations, trial of misdemeanor motor vehicle violations upon
 21 citations, form and contents of accusations, amendment and service of accusations, and
 22 continuances, is amended by striking subsections (a) and (f) and inserting in lieu thereof the
 23 following:

24 "(a) In all misdemeanor cases ~~in superior, state, or county courts~~, the defendant may be
 25 tried upon an accusation framed and signed by the prosecuting attorney of the court. The
 26 accusation need not be supported by an affidavit except in those cases where the defendant

1 has not been previously arrested in conjunction with the transaction charged in the
2 accusation and where the accusation is to be used as the basis for the issuance of a warrant
3 for the arrest of the defendant."

4 "(f) Prior to trial, the prosecuting attorney may amend the accusation, summons, or any
5 citation to allege or to change the allegations regarding any offense arising out of the same
6 conduct of the defendant which gave rise to any offense alleged or attempted to be alleged
7 in the original accusation, summons, or citation. A copy of any such amendment shall be
8 served upon the defendant or his or her counsel and the original filed with the clerk of the
9 court. On motion, the court shall grant the defendant a continuance which is reasonably
10 necessitated by an amendment. If any additional charges against the defendant are made
11 the judge shall advise the defendant that he or she has an automatic right to a continuance."

12 **SECTION 3.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval.

15 **SECTION 4.**

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