

Senate Bill 296

By: Senator Ragan of the 11th

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 or when a
17 violation of Code Section 40-6-163 is reported by a school bus driver as provided in said
18 Code section, an investigating officer may issue citations regardless of whether the offense
19 occurred in the presence of a law enforcement officer. The arresting officer shall issue to
20 such person a citation which shall enumerate the specific charges against the person and
21 the date upon which the person is to appear and answer the charges. Whenever an arresting
22 officer makes an arrest concerning the operation of a motor vehicle based on information
23 received from another law enforcement officer who observed the offense being committed,
24 the citation shall list the name of each officer and each must be present when the charges
25 against the accused person are heard."

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.