

House Bill 683

By: Representatives Snow of the 1st and Campbell of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to
2 prosecution of traffic offenses, so as to extensively revise certain provisions relating to traffic
3 violations bureaus; to provide for establishment and jurisdiction of traffic violations bureaus;
4 to provide for prosecution of certain misdemeanor traffic offenses; to provide maximum
5 punishments for such offenses; to provide for cash bonds; to provide for nonjury trials; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to prosecution of
10 traffic offenses, is amended by striking Article 3 and inserting in lieu thereof the following:

11 "ARTICLE 3

12 40-13-50.

13 In every court of this state having jurisdiction over the violation of traffic laws or traffic
14 ordinances, the judge, or the judges where there is more than one judge, may provide by
15 written order for the establishment of a traffic violations bureau for the handling or
16 disposition of certain traffic cases in substantial compliance with this article. The court
17 shall promulgate and provide to the clerk of the traffic violations bureau a list of the traffic
18 offenses ~~which shall~~ as provided in Code Section 40-13-52 that may be handled ~~and or~~
19 disposed of by the traffic violations bureau and a schedule of fines that shall be imposed
20 for persons availing themselves of disposition of their cases through the traffic violations
21 bureau. ~~However, nothing in this article shall authorize the judge of such court to employ~~
22 ~~any person or persons to administer this article.~~

1 40-13-51.

2 (a) The court may appoint a clerk or deputy clerk or deputy clerks, who shall be named in
3 the order establishing the traffic violations bureau, for the purpose of receiving money as
4 provided in this article. Any deputy clerk so appointed shall be under the direct supervision
5 of and attached to the office of the clerk of the court.

6 (b) Such person or persons, except where such person is the clerk of the court and is
7 already under bond, shall be bonded in the sum of \$2,500.00.

8 ~~40-13-52.~~

9 ~~The court may, in its order, provide that there shall be maintained in the office of the traffic~~
10 ~~violations bureau cards known as 'traffic offense cards.'~~ Upon each traffic offense card
11 ~~shall appear: the name and address of the person charged with a traffic offense; the date of~~
12 ~~the birth of such person; the sex of such person; and his driver's license number. The card~~
13 ~~shall be numbered so that it may show any previous traffic offense, giving the date of the~~
14 ~~offense, the trial date, the citation number, the disposition of the case, and the amount of~~
15 ~~any fine paid.~~

16 ~~40-13-53~~ 40-13-52.

17 (a) ~~Subject to the exceptions set out in subsection (b) of this Code section, any officer who~~
18 ~~arrests any person for the violation of a traffic law or traffic ordinance alleged to have been~~
19 ~~committed outside the corporate limits of any municipality shall permit such person to be~~
20 ~~released upon being served with a citation and complaint and agreeing to appear, as~~
21 ~~provided in this article. If such officer has reasonable and probable grounds to believe that~~
22 ~~the person will not obey such citation and agreement to appear, the officer may require~~
23 ~~such person to surrender his driver's license in accordance with Code Section 17-6-11.~~
24 Except as otherwise provided by subsection (b) of this Code section, any misdemeanor
25 traffic offense may be handled or disposed of by a traffic violations bureau; and the
26 maximum punishment for any misdemeanor traffic offense that may be handled or
27 disposed of by a traffic violations bureau, whether or not a court has established a traffic
28 violations bureau, shall be a fine not to exceed \$1,000.00, imprisonment for a period not
29 to exceed 180 days, or both such fine and imprisonment, unless a lesser maximum
30 punishment is otherwise specified by law.

31 (b) The following offenses shall not be handled or disposed of by a traffic violations
32 bureau:

33 (1) Any offense for which the minimum period of imprisonment otherwise specified by
34 law is greater than 180 days;

- 1 ~~(1)~~(2) Any offense for which a driver's license may be suspended by the commissioner
 2 of motor vehicle safety;
- 3 ~~(2)~~(3) Any motor vehicle registration violation;
- 4 ~~(3)~~(4) A violation of Code Section 40-5-20;
- 5 ~~(4)~~(5) Speeding in excess of 30 miles per hour over the posted speed limit; or
- 6 ~~(5)~~(6) Any offense which would otherwise be a traffic violations bureau offense but
 7 which arose out of the same conduct or occurred in conjunction with an offense which
 8 is excluded from the jurisdiction of the traffic violations bureau. Any such offense shall
 9 be subject to the maximum punishment set by law.

10 ~~40-13-54.~~

11 ~~The original citation and complaint shall be sent by the officer issuing it to the traffic~~
 12 ~~violations bureau of the court within 24 hours of the arrest. The defendant named in the~~
 13 ~~citation shall be given the second copy. The officer issuing the citation and complaint shall~~
 14 ~~retain one copy for himself or herself, and the court may, by order, provide that an~~
 15 ~~additional copy shall be made for the use of any municipality in the county or the~~
 16 ~~Department of Motor Vehicle Safety.~~

17 ~~40-13-55~~ 40-13-53.

18 (a) Any person cited for any traffic offense under the jurisdiction of the in any court that
 19 has established a traffic violations bureau of the court shall be permitted to give post a cash
 20 bond with the court for his or her appearance under the terms and conditions as set forth
 21 upon the citation and complaint given to him at the time he is cited by the arresting officer
 22 for a traffic violation; provided, however, that no law enforcement officer shall be
 23 authorized to accept cash bonds for such offenses.

24 ~~40-13-56.~~

25 ~~No officer giving a citation and complaint to a defendant for a traffic violation shall accept~~
 26 ~~a cash bond himself.~~

27 ~~40-13-57.~~

28 ~~In the event an officer has authority to issue citation and complaint as set forth in Code~~
 29 ~~Section 40-13-53 but declines to do so because of his belief that such person will not obey~~
 30 ~~the citation and agreement to appear, such officer may bring such person to the traffic~~
 31 ~~violations bureau and such person may be allowed to post a cash bond for his appearance~~
 32 ~~in accordance with the schedule established by the court.~~

1 ~~40-13-58.~~

2 ~~Where (b) When a defendant cited for a traffic violation an offense that may be handled or~~
 3 ~~disposed of by a traffic violations bureau posts a cash bond according to the schedule set~~
 4 ~~up by court order and fails to appear in court at the term of court and on the day set in the~~
 5 ~~original citation and complaint on the date set for the defendant's appearance, then and in~~
 6 ~~that event, such failure shall be construed as an admission of guilt and the a judgment of~~
 7 ~~guilty shall be entered accordingly. The cash bond may be forfeited without the necessity~~
 8 ~~for the statutory procedure provided for the forfeiture of statutory bail bonds, and the~~
 9 ~~amount forfeited shall be applied as the fine for the offense. A judgment of guilty may be~~
 10 ~~entered accordingly, ordering the case disposed of and settled. The proceeds of the cash~~
 11 ~~bond shall be applied and distributed as any fine imposed by said court would be. Nothing~~
 12 ~~in this Code section shall be construed as preventing the judge from ordering the defendant~~
 13 ~~to appear and stand trial.~~

14 ~~(c) If a defendant desires a trial on an offense that may be handled or disposed of by a~~
 15 ~~traffic violations bureau, the case shall be tried before a judge without a jury in that court.~~

16 ~~40-13-59.~~

17 ~~(a) The traffic violations bureau of the court shall record on the prescribed form, as set out~~
 18 ~~in Code Section 40-13-52, the driving record of the defendant. If there is no previous~~
 19 ~~record of the driver's history, the citation appearing on the original citation and complaint~~
 20 ~~shall be entered on the driver's traffic offense card, and each traffic offense thereafter shall~~
 21 ~~be entered thereon, with the disposition thereof, up to a period of four years.~~

22 ~~(b) All the pending cases which appear on the citation and complaint issued by the~~
 23 ~~arresting officer, as provided for in this article, shall be filed at the cashier's desk in the~~
 24 ~~traffic violations bureau of the court and shall be retained there up until 72 hours, or such~~
 25 ~~other period of time as the judge shall fix by order, prior to the time the case is set for trial~~
 26 ~~in the court. If cash bond is posted according to the schedules prescribed by order of the~~
 27 ~~judge at any time up to 72 hours, or such other period of time as the judge shall fix by~~
 28 ~~order, prior to the date of the court appearance, as specified in the citation and complaint,~~
 29 ~~the same shall be entered on the driver's traffic offense card and an entry shall be made~~
 30 ~~thereon that the driver has posted a cash bond.~~

31 ~~(c) Within 72 hours after the date set for a hearing in the court on the citation and~~
 32 ~~complaint given, where the defendant has posted a cash bond and has failed to appear for~~
 33 ~~the hearing, the court shall enter an order that the cash bond has been forfeited in~~
 34 ~~accordance with this article. Such order shall be recorded on the back of the citation and~~
 35 ~~complaint which is maintained in the traffic violations bureau of the court and shall also~~
 36 ~~be recorded on the defendant's traffic offense card.~~

1 ~~40-13-60.~~

2 ~~Any traffic violation under the jurisdiction of the traffic violations bureau shall be~~
3 ~~characterized and classified as a traffic violation and shall not be considered as a~~
4 ~~misdemeanor. Whenever any traffic violation is transferred from another court to a court~~
5 ~~which has a traffic violations bureau, if such offense is classified as a traffic violation on~~
6 ~~the traffic violations bureau schedule of the receiving court, such violation shall be handled~~
7 ~~and disposed of by such traffic violations bureau. Where a defendant demands a trial on a~~
8 ~~traffic violation, it shall be tried before a judge of the court which established the traffic~~
9 ~~violations bureau. The request for a trial shall not result in a loss of jurisdiction by the~~
10 ~~traffic violations bureau.~~

11 ~~40-13-61.~~

12 ~~All records other than those excepted in this article shall be maintained at the traffic~~
13 ~~violations bureau of the court. No accusation of an offense for which citation and complaint~~
14 ~~may be issued shall be entered on the misdemeanor docket maintained by the clerk of the~~
15 ~~court. No accusation for any offense coming under the jurisdiction of the traffic violations~~
16 ~~bureau of the court shall be taken by the prosecuting attorney of the court or maintained in~~
17 ~~his office unless said person to whom the said summons was issued fails to post a cash~~
18 ~~bond as defined in this article or fails to appear on the date specified in the summons to~~
19 ~~answer said complaint.~~

20 ~~40-13-62.~~

21 ~~When any person cited for a traffic violation pursuant to this article fails to appear in court~~
22 ~~on the date specified in the citation and in accordance with his written promise to appear,~~
23 ~~unless such person has posted a cash bond as provided in this article, the traffic violations~~
24 ~~bureau thereupon loses jurisdiction and the citation shall be forwarded to the prosecuting~~
25 ~~attorney of the court who shall have an accusation issued against such person. Upon motion~~
26 ~~of the prosecuting attorney, a bench warrant shall issue based on the accusation for the~~
27 ~~arrest of the defendant. The defendant's case shall be docketed by the clerk of the court and~~
28 ~~handled as all other misdemeanors.~~

29 ~~40-13-63~~ 40-13-54.

30 The willful failure of any person to appear in accordance with the written promise
31 contained on the citation and complaint and served upon such person shall constitute an
32 offense which shall be punishable by fine in an amount not to exceed \$200.00 or by
33 confinement in jail for a period not to exceed three days.

1 ~~40-13-64~~ 40-13-55.
2 The court may provide that its traffic violations bureau, in addition to the duties set out in
3 this article, shall have charge of what shall be called and designated in the court as the
4 'Suspended Sentence Division of the _____ Court.' This division of the court
5 shall be responsible for collecting fines imposed upon persons convicted in the court,
6 where the sentence is suspended upon the payment of a fine. The person or persons in the
7 division shall be authorized, where the judge imposing the sentence stipulates the same
8 therein, to permit such persons receiving suspended sentences, in addition to the other
9 conditions imposed in the suspended sentence, to pay the suspended sentence fine in
10 installments. The person or persons responsible for the administration of the suspended
11 sentence division shall be responsible for collecting the suspended sentence fine by
12 installments and shall also be responsible for the arrest of persons who fail in this respect
13 to comply with the conditions of the suspended sentence."

14 **SECTION 2.**

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