

Senate Bill 4

By: Senators Butler of the 55th, Orrock of the 36th, Seay of the 34th, Reed of the 35th, Smith of the 52nd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-10-102 of the Official Code of Georgia Annotated, relating to  
2 the powers and duties of constables, so as to require constables and marshals to notify  
3 protected persons upon the service of certain protective orders; to amend Code Section  
4 15-16-17, relating to the service and execution of processes from justices' courts, so as to  
5 require sheriffs to notify protected persons upon the service of certain protective orders; to  
6 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The Official Code of Georgia Annotated is amended by revising Code Section 15-10-102,  
11 relating to the powers and duties of constables, to read as follows:

12 "15-10-102.

13 (a) The powers and duties of constables include the following:

- 14 (1) To attend regularly all sessions of magistrate court;
- 15 (2) To pay promptly over money collected by them to the magistrate court;
- 16 (3) To execute and return all warrants, summonses, executions, and other processes  
17 directed to them by the magistrate court; and
- 18 (4) To perform such other duties as are required of them by law or as necessarily  
19 appertain to their offices.

20 (b) Where a restraining order, protective order, injunction, or similar court order relating  
21 to harassment, workplace violence, domestic violence, stalking, or elder abuse is served by  
22 a constable or marshal, such constable or marshal is required to notify the protected person  
23 by electronic or telephonic means that the order has been served on the restrained person.  
24 Notification shall only be required if the protected person has requested notification and  
25 has provided a telephone number or e-mail address to the constable or marshal for purposes  
26 of notification. The notification required by this subsection shall be made within 24 hours

27 following the service of the order and shall include the date and time when the order was  
28 served. At the time an order is issued, the court shall notify the person requesting  
29 protection of his or her option to be notified as provided in this subsection."

30

**SECTION 2.**

31 The Official Code of Georgia Annotated is amended by revising Code Section 15-16-17,  
32 relating to the service and execution of processes from justices' courts, to read as follows:

33 "15-16-17.

34 Where a restraining order, protective order, injunction, or similar court order relating to  
35 harassment, workplace violence, domestic violence, stalking, or elder abuse is served by  
36 a sheriff or deputy sheriff, the sheriff is required to notify the protected person by  
37 electronic or telephonic means that the order has been served on the restrained person.  
38 Notification shall only be required if the protected person has requested notification and  
39 has provided a telephone number or e-mail address to the sheriff for purposes of  
40 notification. The notification required by this Code section shall be made within 24 hours  
41 following the service of the order and shall include the date and time when the order was  
42 served. At the time an order is issued, the court shall notify the person requesting such  
43 order of his or her option to be notified as provided in this Code section."

44

**SECTION 3.**

45 This Act shall become effective on July 1, 2009.

46

**SECTION 4.**

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