

House Bill 87

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated,
2 relating to arrest by law enforcement officers generally, so as to revise certain provisions
3 relating to the duty of an arresting officer to take an arrested person before a judicial officer
4 and the lack of a right of the accused to select a judicial officer before whom he or she shall
5 be tried; to provide that a custodian of the arrested person may perform such duty; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to
10 arrest by law enforcement officers generally, is amended by revising Code Section 17-4-21,
11 relating to the duty of an arresting officer to take an arrested person before a judicial officer
12 and the lack of a right of the accused to select a judicial officer before whom he or she shall
13 be tried, as follows:

14 "17-4-21.

15 The arresting officer or custodian shall take the arrested person before the most convenient
16 and accessible judicial officer authorized to hear the case unless the arrested person
17 requests otherwise, in which case, if there is no suspicion of improper motive, the arresting
18 officer or custodian shall take ~~him~~ the arrested person before some other judicial officer.
19 An arrested person has no right to select the judicial officer before whom he or she shall
20 be tried. For purposes of this Code section, the term 'custodian' means sheriff, jailer,
21 deputy sheriff, deputy jailer, police officer, or other law enforcement officer having actual
22 custody of the accused."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.