

House Bill 199

By: Representatives Jerguson of the 22nd, Hatfield of the 177th, Levitas of the 82nd, and Ramsey of the 72nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-4-40 of the Official Code of Georgia Annotated, relating to
2 persons who may issue warrants for arrest of offenders against penal laws and warrants
3 requested by others and persons who may issue warrants for the arrest of law enforcement
4 or peace officers or school teachers or administrators, so as to provide judicial discretion for
5 the scheduling of a hearing for consideration of a warrant application made by a person other
6 than a peace officer or law enforcement officer; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 17-4-40 of the Official Code of Georgia Annotated, relating to persons who
11 may issue warrants for arrest of offenders against penal laws and warrants requested by
12 others and persons who may issue warrants for the arrest of law enforcement or peace
13 officers or school teachers or administrators, is amended by revising paragraph (1) of
14 subsection (b) as follows:

15 "(b)(1) If application is made for a warrant by a person other than a peace officer or law
16 enforcement officer and the application alleges the commission of an offense against the
17 penal laws, the judge or other officer shall schedule a warrant application hearing as
18 provided in this subsection unless the person accused has been taken into custody by a
19 peace officer or law enforcement officer or except as provided in paragraph (6) of this
20 subsection; provided, however, a request for a warrant application hearing pursuant to
21 this subsection may be denied where the judge or other officer finds the application is
22 frivolous and without reasonable merit or that the applicant has no standing or rational
23 relation to the alleged offense or for other reasons."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.