

Senate Bill 52

By: Senators Butler of the 55th, Carter of the 42nd, Fort of the 39th, Orrock of the 36th,
James of the 35th and others

AS PASSED SENATE

**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 marshals to notify protected persons
3 upon the service of certain protective orders; to amend Code Section 15-16-17, relating to
4 the service and execution of processes from justices' courts, so as to require sheriffs to notify
5 protected persons upon the service of certain protective orders; to provide for related matters;
6 to provide an effective date; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

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

11 "15-10-102.

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

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

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

27 court shall notify the person requesting protection of his or her option to be notified as
28 provided in this subsection."

29 **SECTION 2.**

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

32 "15-16-17.

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

43 **SECTION 3.**

44 This Act shall become effective on July 1, 2011.

45 **SECTION 4.**

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