

House Bill 1309

By: Representative Houston of the 170<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to arrests, trials, and appeals, so as to provide that the judge of the probate court may  
3 request the district attorney to prosecute misdemeanor traffic cases in the probate court and,  
4 if the district attorney, for any reason, is unable to assist, the governing authority of the  
5 county may employ an attorney to prosecute such cases; to provide for the powers and  
6 authority of such prosecutor; to provide for related matters; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to  
11 arrests, trials, and appeals, is amended by revising subsection (c) of Code Section 40-13-21,  
12 relating to general powers and jurisdiction of probate and municipal courts and assistance of  
13 the district attorney or solicitor, as follows:

14 "~~(c) In any traffic misdemeanor trial, a~~ A judge of the probate court, upon his or her own  
15 motion, may request the assistance of the district attorney of the circuit in which the court  
16 is located ~~or solicitor-general of the state court of the county to conduct the trial to~~  
17 prosecute misdemeanor traffic cases on behalf of the state. If, for any reason, the district  
18 attorney ~~or solicitor-general~~ is unable to assist, the district attorney ~~or solicitor-general~~ may  
19 designate a member of his or her staff to ~~conduct the trial~~ prosecute such cases on behalf  
20 of the state. If, for any reason, the district attorney is unable to assist and does not  
21 designate a member of his or her staff to prosecute such cases on behalf of the state, the  
22 governing authority of the county may employ an attorney, who shall be an active member  
23 of the State Bar of Georgia in good standing, to prosecute such cases on behalf of the state.  
24 Except as otherwise provided by local law, a prosecuting attorney in probate court shall  
25 have the same duties and authority a state court solicitor-general has as set forth in Code  
26 Section 15-18-66."

27

**SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.