

Senate Bill 66

By: Senators Stone of the 23rd, McKoon of the 29th, Crosby of the 13th, Jackson of the 24th, Ligon, Jr. of the 3rd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 increase penalties that can be imposed for contempt of superior and state courts; to change
3 provisions relating to filing an answer or counterclaim in magistrate court; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
8 paragraph (5) of Code Section 15-6-8, relating to jurisdiction and powers of the superior
9 courts, as follows:

10 "(5) To punish contempt by fines not exceeding ~~\$500.00~~ \$1,000.00, and by imprisonment
11 not exceeding 20 days, or both; and"

12 **SECTION 2.**

13 Said title is further amended by revising paragraph (5) of subsection (a) of Code Section
14 15-7-4, relating to jurisdiction for state courts, as follows:

15 "(5) The punishment of ~~contempts~~ contempt by ~~fine~~ fines not exceeding ~~\$500.00~~ \$1,000.00 or
16 \$1,000.00, by imprisonment not exceeding 20 days, or both; and"

17 **SECTION 3.**

18 Said title is further amended by revising subsection (c) of Code Section 15-10-43, relating
19 to statement of claim, service of process, answer to claim, default judgments, opening of
20 default, and relief in magistrate court, as follows:

21 "(c) An answer to the claim ~~must~~ shall be filed with the court or orally presented to the
22 judge or clerk of the court within 30 days after service of the statement of claim on the
23 defendant to avoid a default. The answer shall be in concise form and free from technical
24 requirements, but ~~must~~ shall admit or deny the claim of the plaintiff. The answer shall

25 contain the address at which the defendant desires to receive the notice of hearing. If the
 26 answer is presented to the judge or clerk orally, the judge or clerk shall reduce the answer
 27 to writing. Verification of an answer shall not be required. A copy of the answer shall be
 28 forwarded to the plaintiff and defendant with the notice of hearing. If an answer is timely
 29 filed or presented, the court shall within ten days of filing or presentation of the answer
 30 notify the defendant and the plaintiff of the calling of a hearing on the claim. The notice
 31 shall include the date, hour, and location of the hearing, which date shall be not less than
 32 15 nor more than 30 days after the date the notice is given. The notice shall be served on
 33 the plaintiff and the defendant by mail or personal service to the address given by the
 34 plaintiff at the time he or she files his or her claim and the address given by the defendant
 35 at the time he or she files or presents his or her answer. The date of mailing shall be the
 36 date the notice is given. The clerk shall enter a certificate of service."

37 **SECTION 4.**

38 Said title is further amended by revising subsections (a) through (c) of Code Section
 39 15-10-45, relating to compulsory and permissive counterclaims, as follows:

40 "(a) If any defendant has a ~~claim~~ counterclaim against the plaintiff arising out of the
 41 transaction or occurrence that is the subject matter of the plaintiff's claim, which ~~claim~~
 42 counterclaim does not require for its adjudication the presence of third parties over whom
 43 the court cannot obtain jurisdiction, such ~~claim must~~ counterclaim shall be asserted by the
 44 defendant at or before the hearing on the plaintiff's claim or thereafter be barred.

45 (b) If any defendant has a ~~claim~~ counterclaim against the plaintiff other than a compulsory
 46 counterclaim described in subsection (a) of this Code section, such ~~claim~~ counterclaim may
 47 be asserted by the defendant at or before the hearing on the plaintiff's claim.

48 (c) If any defendant asserts a ~~claim~~ counterclaim against the plaintiff, the defendant shall
 49 file with the court a statement of the ~~claim~~ counterclaim in concise form and free from
 50 technicalities. The defendant's ~~claim~~ counterclaim shall give the plaintiff reasonable notice
 51 of the basis for each claim contained in the ~~statement of claim~~ counterclaim. The
 52 defendant shall sign ~~and verify the statement of claim by oath or affirmation~~ the
 53 counterclaim. At the request of a defendant, the judge or clerk may prepare the ~~statement~~
 54 counterclaim. Verification of a counterclaim shall not be required."

55 **SECTION 5.**

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