

House Bill 736

By: Representative Peake of the 141<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to jurisdiction, power, and duties of the probate courts, so as to expand the  
3 jurisdiction of the probate courts with regard to certain misdemeanor offenses; 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 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to  
8 jurisdiction, power, and duties of the probate courts, is amended by adding a new Code  
9 section to read as follows:

10 "15-9-30.9.

11 (a) In addition to any other jurisdiction vested in the probate courts, the probate courts  
12 shall have the right and power to conduct trials, receive pleas of guilty, and impose  
13 sentence upon defendants for misdemeanor violations of:

14 (1) Article 2 of Chapter 3 of Title 3, relating to prohibited acts with regard to the  
15 regulation of alcoholic beverages regarding persons under 21 years of age;

16 (2) Code Section 4-3-12, relating to permitting livestock to run at large or stray;

17 (3) Code Section 16-7-21, relating to criminal trespass;

18 (4) Code Section 16-7-43, relating to littering and illegal dumping;

19 (5) Code Section 16-8-14, relating to theft by shoplifting of \$500.00 or less;

20 (6) Those thefts involving a loss of \$1,500.00 or less as enumerated in Article 1 of  
21 Chapter 8 of Title 16;

22 (7) Subsection (e) of Code Section 16-9-1, relating to forgery in the fourth degree;

23 (8) Subsection (a) of Code Section 16-10-24, relating to obstructing or hindering a law  
24 enforcement officer;

25 (9) Subsection (b) of Code Section 16-10-24.1, relating to obstructing or hindering  
26 firefighters;

- 27 (10) Subsection (b) of Code Section 16-10-24.2, relating to obstructing or hindering  
 28 emergency medical technicians or emergency medical professionals;  
 29 (11) Code Section 16-10-24.3, relating to obstructing or hindering persons making  
 30 emergency telephone calls;  
 31 (12) Code Section 16-10-25, relating to giving false name or date of birth;  
 32 (13) Code Section 16-11-32, relating to affray;  
 33 (14) Code Section 16-11-39, relating to disorderly conduct;  
 34 (15) Code Section 16-11-39.1, relating to harassing telephone calls;  
 35 (16) Code Section 16-11-39.2, relating to unlawful conduct during 9-1-1 call;  
 36 (17) Code Section 16-11-41, relating to public drunkenness;  
 37 (18) Code Sections 16-13-2 and 16-13-30, relating to possession of one ounce or less of  
 38 marijuana;  
 39 (19) Code Section 16-13-32.2, relating to possession and use of drug related objects; and  
 40 (20) Code Section 20-2-690.1, relating to mandatory education for children between ages  
 41 six and 16.
- 42 (b) A probate court shall not have the power to dispose of misdemeanor cases as provided  
 43 in subsection (a) of this Code section unless the defendant shall first waive in writing a trial  
 44 by jury. If the defendant does not waive a trial by jury, the defendant shall notify the court  
 45 and, if reasonable cause exists, the defendant shall be immediately bound over to a court  
 46 in the county having jurisdiction to try the offense wherein a jury may be impaneled.
- 47 (c) A person convicted of a misdemeanor violation specified in subsection (a) of this Code  
 48 section shall be punished as provided by law for such offense.
- 49 (d) The jurisdiction of the probate courts to try and dispose of the misdemeanor violations  
 50 enumerated in subsection (a) of this Code section shall be concurrent with the jurisdiction  
 51 of any other courts having jurisdiction to try and dispose of such matters."

52 **SECTION 2.**

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