

Senate Bill 160

By: Senators Williams of the 27th, Cowser of the 46th, Harper of the 7th, Mullis of the 53rd,
Jones of the 25th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated,
2 relating to prohibited acts regarding alcoholic beverages, so as to revise penalties for a
3 violation of Code Section 3-3-23; to provide for related matters; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to
8 prohibited acts regarding alcoholic beverages, is amended by revising subsections (d) and
9 (e) of Code Section 3-3-23.1, relating to procedure and penalties upon violation of Code
10 Section 3-3-23, as follows:

11 "~~(d) Unless the officer has reasonable cause to believe such person is intoxicated, a~~ A law
12 enforcement officer ~~may arrest by issuance of~~ shall issue a citation, ~~summons, or~~
13 ~~accusation~~ to a person accused of violating any provision of Code Section 3-3-23. The
14 citation, ~~summons, or accusation~~ shall enumerate the specific charges against the person
15 and either the date upon which the person is to appear and answer the charges or a notation
16 that the person will be later notified of the date upon which the person is to appear and
17 answer the charges. If the person charged shall fail to appear as required, the judge having
18 jurisdiction of the offense may issue a warrant or other order directing the apprehension of
19 such person and commanding that such person be brought before the court to answer the
20 charges contained within the citation, ~~summons, or accusation~~ and the charge of his or her
21 failure to appear as required. Nothing in this subsection shall be construed to invalidate an
22 otherwise valid arrest by citation, summons, or accusation of a person who is intoxicated
23 and who has committed an offense under the laws of this state other than that provided for
24 in Code Section 3-3-23.

25 (e) A law enforcement officer ~~arresting~~ charging a person by the issuance of a citation;
26 ~~summons, or accusation~~ under subsection (d) of this Code section may require any such
27 person having a driver's license or instruction permit to deposit such license or permit with

28 the arresting officer in order to ensure the appearance of such person to answer the charges
29 against him or her. The procedures and rules connected with the acceptance of such license
30 or permit and subsequent disposition of the case shall be the same as provided for the
31 acceptance of a driver's license as bail on arrest for traffic offenses pursuant to Code
32 Section 17-6-11."

33 **SECTION 2.**

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