

Senate Bill 205

By: Senator Bethel of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-32-1 of the Official Code of Georgia Annotated, relating to
2 municipal courts, so as to make municipal courts a court of record; to provide for related
3 matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 36-32-1 of the Official Code of Georgia Annotated, relating to municipal
7 courts, is amended by revising subsection (a) as follows:

8 "(a)(1) Each municipal corporation of this state shall, unless otherwise provided in the
9 local law relating to a particular municipal corporation, be authorized to establish and
10 maintain a municipal court having jurisdiction over the violation of municipal ordinances
11 and over such other matters as are by general law made subject to the jurisdiction of
12 municipal courts. Any such court shall be styled as a municipal court. Any reference in
13 this Code or in any local law to a corporate court, police court, recorder's court, mayor's
14 court, or any such court known by any other name which has jurisdiction over the
15 violation of municipal offenses shall be deemed to mean a municipal court. ~~Except in~~
16 ~~this Code section and in the laws relating to the City Court of Atlanta, the~~ The terms
17 'corporate court,' 'corporate courts,' 'police court,' 'police courts,' 'recorder's court,'
18 'recorders' courts,' 'mayor's court,' and 'mayors' courts,' when such terms refer to a court
19 of a municipal corporation, are stricken wherever they appear in any general or local law
20 of this state and the term 'municipal court' or 'municipal courts,' whichever is appropriate,
21 is inserted in lieu thereof. The change in the name of any such court as provided for by
22 Article VI, Section X, Paragraph I of the Constitution of the State of Georgia and by this
23 Code section shall not affect the validity of any action or prosecution in such court.

24 (2) The municipal court is a court of record. Such court shall:

25 (A) Have a seal;

26 (B) Have the power to fine and imprison;

27 (C) Have the power to grant a new trial on legal grounds;

- 28 (D) Exercise court functions independently of the judge;
29 (E) Proceed according to the course of common law; and
30 (F) Have the acts and judicial proceedings enrolled for a perpetual memorial and
31 testimony, which rolls are designated as the record of the court and are of such high and
32 super-eminent authority that their truth shall not be called into question."

33

SECTION 2.

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