

Senate Bill 254

By: Senator Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to
2 possession of marijuana and conditional discharge for possession of controlled substances
3 as first offense and certain nonviolent property crimes, so as to provide that simple
4 possession of marijuana constitutes a misdemeanor; to amend Titles 15 and 16 and Code
5 Sections 17-7-72 and 36-32-6 of the Official Code of Georgia Annotated, relating to courts,
6 crimes and offenses, jurisdiction of probate courts to try certain drug and alcohol offenses,
7 and municipal court jurisdiction in marijuana possession cases, respectively, so as to provide
8 for conforming cross-references; to provide for related matters; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 PART I
12 SECTION 1-1.

13 Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to possession of
14 marijuana and conditional discharge for possession of controlled substances as first offense
15 and certain nonviolent property crimes, is amended by revising subsection (b) as follows:
16 "~~(b) Notwithstanding any law to the contrary, any~~ Except as otherwise provided in
17 subsection (c) of Code Section 16-13-31, any person who is charged with possession of
18 marijuana, which possession is of one ounce or less, shall be guilty of a misdemeanor and
19 punished by imprisonment for a period not to exceed 12 months or a fine not to exceed
20 \$1,000.00, or both, or public works not to exceed 12 months."

21

PART II

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SECTION 2-1.

23 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
24 subsection (b) of Code Section 15-7-4, relating to state court jurisdiction, as follows:

25 "(b) Each state court shall have jurisdiction, within the territorial limits of the county or
26 counties for which it was created and concurrent with other courts having such jurisdiction,
27 over possession of ~~one ounce or less of~~ marijuana, in accordance with Code Sections
28 Section 16-13-2 and 16-13-30."

29

SECTION 2-2.

30 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
31 15-9-30.6, relating to probate court jurisdiction over certain drug and alcohol offenses, as
32 follows:

33 "(1) Possession of ~~one ounce or less of~~ marijuana, in accordance with Code Sections
34 Section 16-13-2 and 16-13-30; and"

35

SECTION 2-3.

36 Said title is further amended by revising subsection (a) and paragraph (1) of subsection (c)
37 of Code Section 15-10-260, relating to magistrate court jurisdiction, as follows:

38 "(a) This article governs trials of misdemeanor violations of Code Sections ~~16-13-30;~~
39 16-13-2, 16-8-14, 16-8-14.1, 3-3-23, and 16-7-21."

40 "(1) For possession of ~~less than one ounce of~~ marijuana, as provided in subsection (b) of
41 Code Section 16-13-2;"

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SECTION 2-4.

43 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
44 amended by revising paragraph (4) of subsection (b) of Code Section 16-11-106, relating to
45 possession of a firearm or knife during the commission or attempt to commit certain crimes,
46 as follows:

47 "(4) Any crime involving the possession, manufacture, delivery, distribution, dispensing,
48 administering, selling, or possession with intent to distribute any controlled substance or
49 marijuana as provided in Code Section Sections 16-13-2 and 16-13-30, any counterfeit
50 substance as defined in Code Section 16-13-21, or any noncontrolled substance as
51 provided in Code Section 16-13-30.1; or"

52 **SECTION 2-5.**

53 Said title is further amended by revising subparagraph (a)(2)(B) of Code Section 16-13-5,
 54 relating to immunity from arrest or prosecution for persons seeking medical assistance for
 55 a drug overdose, as follows:

56 "(B) A violation of ~~paragraph (1) of subsection (j) (b)~~ of Code Section ~~16-13-30~~
 57 16-13-2 for possession of ~~less than one ounce of~~ marijuana; or"

58 **SECTION 2-6.**

59 Said title is further amended by revising paragraph (1) of subsection (j) of Code Section
 60 16-13-30, relating to purchase, possession, manufacture, distribution, or sale of controlled
 61 substances or marijuana, as follows:

62 "(j)(1) It shall be unlawful for any person to ~~possess, have under his or her control,~~
 63 manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with
 64 intent to distribute marijuana."

65 **SECTION 2-7.**

66 Code Section 17-7-72 of the Official Code of Georgia Annotated, relating to jurisdiction of
 67 probate courts to try certain drug and alcohol offenses, as follows:

68 "17-7-72.

69 In probate courts which have jurisdiction over misdemeanor possession of marijuana in
 70 accordance with Code Sections Section 16-13-2 ~~and 16-13-30~~ and certain misdemeanor
 71 violations of Code Section 3-3-23 pursuant to Code Section 15-9-30.6, the following
 72 offenses may be tried upon a summons or citation without an accusation:

73 (1) Possession of ~~one ounce or less of~~ marijuana, in accordance with Code Sections
 74 Section 16-13-2 ~~and 16-13-30~~; and

75 (2) Any violation of paragraph (2) of subsection (a) of Code Section 3-3-23 which is
 76 punishable as a misdemeanor, but not violations punishable as high and aggravated
 77 misdemeanors."

78 **SECTION 2-8.**

79 Code Section 36-32-6 of the Official Code of Georgia Annotated, relating to municipal court
 80 jurisdiction in marijuana possession cases, is amended by revising subsections (a) and (c) as
 81 follows:

82 "(a) The municipal court of any municipality is granted jurisdiction to try and dispose of
 83 cases where a person is charged with the misdemeanor possession of ~~one ounce or less of~~
 84 marijuana if the offense occurred within the corporate limits of such municipality. The

85 jurisdiction of any such court shall be concurrent with the jurisdiction of any other courts
86 within the county having jurisdiction to try and dispose of such cases."

87 "(c) Any defendant charged with possession of ~~an ounce or less~~ of marijuana in a
88 municipal court shall be entitled on request to have the case against him or her transferred
89 to the court having general misdemeanor jurisdiction in the county wherein the alleged
90 offense occurred."

91 **PART III**
92 **SECTION 3-1.**

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