

The House Committee on Judiciary offers the following substitute to HB 1025:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated,
2 relating to violation of ordinances of counties and state authorities, so as to change provisions
3 relating to service of accusations of or citations for violations of ordinances under certain
4 circumstances; to provide for judgments when service is perfected under such circumstances;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
9 violation of ordinances of counties and state authorities, is amended by revising Code Section
10 15-10-62, relating to prosecution upon citation or accusation, service, and arrest, as follows:
11 "15-10-62.

12 (a) Prosecutions for violations of county ordinances shall be upon citation as provided in
13 Code Section 15-10-63 or upon accusation by the county attorney or such other attorney
14 as the county governing authority may designate. Prosecutions for violations of ordinances
15 of state authorities shall be upon citation as provided in Code Section 15-10-63 or upon
16 accusation by such attorney as the state authority may designate. Such attorney shall be
17 the prosecuting attorney in cases tried upon accusation.

18 (b) Except as provided in subsection (c) of this Code section, citations for or accusations
19 ~~Accusations~~ of violations of ordinances ~~and citations~~ shall be personally served upon the
20 person accused. Each accusation or citation shall state the time and place at which the
21 accused is to appear for trial. The accused shall not be arrested prior to the time of trial,
22 except for the offenses of public drunkenness or disorderly conduct and except that
23 ordinances of state authorities may provide for immediate arrest; provided, however, that
24 the accused may be arrested prior to the time of trial for the violation of a county ordinance
25 relating to loitering; and provided, further, that except as provided in subsection (c) of this
26 Code section, any defendant accused who fails to appear for trial shall thereafter be arrested

27 on the warrant of the magistrate and required to post a bond for his or her future
28 appearance.

29 (c)(1) When provided by local law, a citation for or accusation of a violation of an
30 ordinance concerning the condition of real property may be served by:

31 (A) Posting a copy of it on the door of the premises where the alleged violation
32 occurred;

33 (B) Mailing a copy of it by first-class mail to the owner of such premises at the address
34 of record maintained by the tax commissioner and tax assessor; and

35 (C) Filing a copy of it with the clerk of magistrate court.

36 (2) When service is perfected as provided in this subsection and the accused fails to
37 appear for trial, an in rem judgment and lien against the real property shall be the
38 exclusive penalty."

39 **SECTION 2.**

40 Said article is further amended by revising subsection (c) of Code Section 15-10-63, relating
41 to use of citations, as follows:

42 "(c) Prosecutions for violations of ordinances upon citations shall be commenced by the
43 completion, signing, and service of a citation by any agent of the county who is authorized
44 by the county governing authority to issue citations or by an agent of the state authority
45 who is authorized by the authority to issue citations. ~~A~~ Except as provided in subsection
46 (c) of Code Section 15-10-62, a copy of the citation shall be personally served upon the
47 accused; and the original shall promptly be filed with the court."

48 **SECTION 3.**

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