

SENATE SUBSTITUTE TO HB 1025:

AS PASSED SENATE

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 amend Code Section 50-13-19 of the Official Code of Georgia Annotated, relating to
 6 judicial review of contested cases, so as to revise provisions relating to filing of petitions; to
 7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
 10 violation of ordinances of counties and state authorities, is amended by revising Code Section
 11 15-10-62, relating to prosecution upon citation or accusation, service, and arrest, as follows:
 12 "15-10-62.
 13

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

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

28 Code section, any defendant accused who fails to appear for trial shall thereafter be arrested
 29 on the warrant of the magistrate and required to post a bond for his or her future
 30 appearance.

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

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

35 (B) Mailing a copy of it by registered or certified mail or statutory overnight delivery
 36 to the owner of such premises at the address of record maintained by the applicable tax
 37 commissioner. The certificate of mailing to the accused shall constitute prima-facie
 38 evidence of compliance with this subparagraph; and

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

40 (2) Service under paragraph (1) of this subsection shall not be authorized until there has
 41 been at least one attempt at personal service on the accused at the address of record of the
 42 accused as maintained by the applicable tax commissioner or of the accused's registered
 43 agent as maintained by the Secretary of State, provided that such attempt at personal
 44 service shall only be required if the accused resides or has a registered agent in this state.

45 (3) When service is perfected as provided in paragraph (1) of this subsection and the
 46 accused fails to appear for trial, an in rem judgment and lien against the real property
 47 shall be the exclusive penalty."

48 **SECTION 2.**

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

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

57 **SECTION 3.**

58 Code Section 50-13-19 of the Official Code of Georgia Annotated, relating to judicial review
 59 of contested administrative cases, is amended by replacing "action" with "appeal" wherever
 60 the former word occurs in subsections (b) and (c).

