

House Bill 1226

By: Representatives Shannon of the 84th, Beverly of the 143rd, Jackson of the 64th, Nguyen of the 89th, Cannon of the 58th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated,
2 relating to arrest by private persons, so as to repeal the article in its entirety; to amend
3 Titles 17, 35, and 43 of the Official Code of Georgia Annotated, relating to criminal
4 procedure, law enforcement officers and agencies, and professions and businesses,
5 respectively, so as to make conforming changes; to provide for related matters; to provide
6 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 4 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to
10 arrest by private persons, is repealed in its entirety.

11 **SECTION 2.**

12 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
13 amended by revising paragraph (1) of subsection (c) of Code Section 17-6-1, relating to
14 where offenses bailable, procedure, schedule of bails, and appeal bonds, as follows:

15 "(c)(1) In the event a person is detained in a facility other than a municipal jail for an
16 offense which is bailable only before a judge of the superior court, as provided in
17 subsection (a) of this Code section, and a hearing is held pursuant to Code Section
18 17-4-26 or ~~17-4-62~~, the presiding judicial officer shall notify the superior court in writing
19 within 48 hours that the arrested person is being held without bail. If the detained person
20 has not already petitioned for bail as provided in subsection (d) of this Code section, the
21 superior court shall notify the district attorney and shall set a date for a hearing on the
22 issue of bail within 30 days after receipt of such notice."

23 **SECTION 3.**

24 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
25 agencies, is amended by revising subsection (d) of Code Section 35-2-102, relating to weight
26 inspector positions, training, powers and responsibilities, and limits on responsibilities, as
27 follows:

28 "(d) A weight inspector is not a peace officer and shall not be authorized to carry a firearm
29 or exercise any power of arrest ~~other than a citizen's arrest in accordance with Code~~
30 ~~Sections 17-4-60 and 17-4-61~~. At all times while a weight inspector is on duty, there shall
31 be a supervisor over the weight inspector also on duty who shall be a certified peace
32 officer."

33 **SECTION 4.**

34 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
35 is amended by revising Code Section 43-38-13, relating to arrest powers of licensees and
36 registrants of the Georgia Board of Private Detective and Security Agencies, as follows:

37 "43-38-13.

38 ~~Licensees or registrants under this chapter shall have the same power of arrest as that~~
39 ~~granted to a private person by Code Section 17-4-60~~ Reserved."

40 **SECTION 5.**

41 This Act shall become effective on July 1, 2020. This Act does not affect rights and duties
42 that matured, penalties that were incurred, and proceedings that were begun before the
43 effective date of this Act.

44 **SECTION 6.**

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