

The Senate Committee on Judiciary offered the following substitute to HB 1025:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

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

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

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

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

(2) Any local law providing for service under paragraph (1) of this subsection shall include a provision requiring the refusal of a request for waiver of service delivered via certified mail return receipt requested prior to authorizing service as provided under paragraph (1) of this subsection.

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

SECTION 2.

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

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

SECTION 3.

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