

Senate Bill 577

By: Senators Jackson of the 41st, Butler of the 55th, Harrell of the 40th, Anderson of the 43rd and Davenport of the 44th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating the State Court of DeKalb County, formerly known as the Civil
2 and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401),
3 as amended, particularly by an Act approved April 11, 2012 (Ga. L. 2012, p. 5059), so as to
4 provide for landlords to remove personal property following execution of writs of possession
5 within seven days of such execution; to authorize the marshal to remove such property after
6 14 days; to authorize the marshal to appoint ex-officio assistants to the marshal; to provide
7 for the collection of costs associated with such removal; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

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

10 **SECTION 1.**

11 An Act creating the State Court of DeKalb County, formerly known as the Civil and
12 Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as
13 amended, particularly by an Act approved April 11, 2012 (Ga. L. 2012, p. 5059), is amended
14 by adding a new section to read as follows:

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"SECTION 11B.2

(a) When a writ of possession authorizing removal of a tenant and his or her personal property becomes effective following the issuance of a judgment pursuant to Code Section 44-7-55 of the O.C.G.A., the party seeking to enforce such writ shall, within seven days of the execution of such writ:

(1) Remove any personal property of the former tenant that remains on the premises or adjoining right-of-way; or

(2) Cause any personal property of the former tenant that remains on the premises or adjoining right-of-way to be placed in a dumpster or other container capable of storing all of such personal property.

(b)(1) In the event that the party seeking to enforce such writ fails to remove such personal property as provided for in subsection (a) of this section within 14 days of the execution of the writ, the marshal is authorized to remove such personal property and charge the actual cost of such removal to the person who sought to enforce the writ of possession by posting an invoice from the marshal on such premises.

(2) To assist in removing such personal property as provided for in paragraph (1) of this subsection, the marshal is authorized, with the consent of the governing authority of DeKalb County, to appoint one or more members the DeKalb County sanitation department as ex-officio assistants to the marshal. No person appointed pursuant to this paragraph shall exercise any of the powers or authority which are by law vested in the office of marshal or any other peace officer or law enforcement official, including the power of arrest.

(3) In the event that the invoice provided for in paragraph (1) of this subsection is not paid in full within 30 days of its posting, at the request of the marshal, DeKalb County is authorized to have such invoiced amount charged to the sanitation bill for the premises.

(c) DeKalb County may enact such rules and regulations regarding the removal of such personal property as it authorized pursuant to that constitutional amendment relating to a

42 system of garbage disposal which was proposed by Resolution Act No. 50 of the 1966
43 General Assembly (Ga. L. 1966, p. 828) and continued in force and effect pursuant to
44 Art. IX, Sec. I, Par. IV of the Constitution in Ga. L. 1985, p. 3712."

45 **SECTION 2.**

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