

House Bill 41

By: Representatives Davis of the 87th, Scott of the 76th, and Schofield of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to
2 conditional discharge for possession of controlled substances as first offense and certain
3 nonviolent property crimes, dismissal of charges, and restitution to victims, so as to authorize
4 counties and municipal corporations to adopt ordinances governing and punishing the
5 possession of one ounce or less of marijuana; to amend Code Section 36-1-20 of the Official
6 Code of Georgia Annotated, relating to ordinances for governing and policing of
7 unincorporated areas of county, so as to authorize counties to adopt ordinances governing
8 and punishing the possession of one ounce or less of marijuana; to provide for related
9 matters; to provide for a short title; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Georgia Local Governance and Fair
13 Enforcement Act."

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SECTION 2.

15 Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to conditional
16 discharge for possession of controlled substances as first offense and certain nonviolent
17 property crimes, dismissal of charges, and restitution to victims, is amended by revising
18 subsection (b) as follows:

19 "(b) Except as provided in Code Sections 36-1-20 and 36-32-6, Notwithstanding any law
20 to the contrary, any person who is charged with possession of marijuana, which possession
21 is of one ounce or less, shall be guilty of a misdemeanor and punished by imprisonment for
22 a period not to exceed 12 months or a fine not to exceed \$1,000.00, or both, or public
23 works not to exceed 12 months."

24

SECTION 3.

25 Code Section 36-1-20 of the Official Code of Georgia Annotated, relating to ordinances for
26 governing and policing of unincorporated areas of county, is amended by adding a new
27 subsection to read as follows:

28 "(e) The governing authority of each county is authorized to adopt ordinances governing
29 the possession of one ounce or less of marijuana within the unincorporated areas of the
30 county. Violation of such ordinances may be punished by fines, and each such ordinance
31 shall specify the maximum punishment which may be imposed for a violation of the
32 ordinance. In no case shall the maximum punishment for the violation of any such
33 ordinance exceed a fine of \$1,000.00. Any fines and bond forfeitures arising from the
34 prosecution of such cases shall be retained by the county and shall be paid into the treasury
35 of such county."

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SECTION 4.

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