The House Committee on Judiciary offers the following substitute to HB 270:

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 44-7-51 of the Official Code of Georgia Annotated, relating to issuance of summons, service, time for answer, and defenses and counterclaims, so as to provide for service by an approved process server; to provide for related matters; to provide a short title; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Eviction Service Act."

SECTION 2.

Code Section 44-7-51 of the Official Code of Georgia Annotated, relating to issuance of summons, service, time for answer, and defenses and counterclaims, is amended by revising subsection (a) as follows:

"(a) When the affidavit provided for in Code Section 44-7-50 is made, the judge of the superior court, the state court, or any other court with jurisdiction over the subject matter or the judge, clerk, or deputy clerk of the magistrate court shall grant and issue a summons to the sheriff or his <u>or her</u> deputy<u>,</u> ~~or to~~ any lawful constable of the county where the land

is located, or an approved process server. A copy of the summons and a copy of the affidavit shall be personally served upon the defendant. If the sheriff, constable, or approved process server is unable to serve the defendant personally, service may be had by delivering the summons and the affidavit to any person who is sui juris residing on the premises or, if after reasonable effort no such person is found residing on the premises, by posting a copy of the summons and the affidavit on the door of the premises and, on the same day of such posting, by enclosing, directing, stamping, and mailing by first-class mail a copy of the summons and the affidavit to the defendant at his or her last known address, if any, and making an entry of this action on the affidavit filed in the case."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.