

House Bill 783 (AS PASSED HOUSE AND SENATE)

By: Representative Jenkins of the 136th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a new charter for the Town of Moreland, approved March 28,
2 1985 (Ga. L. 1985, p. 5053), as amended, so as to repeal provisions related to the Recorder's
3 Court; to establish a municipal court; to provide for judges of such court; to provide for
4 convening, jurisdiction, and powers of such court; to provide for appeals; to provide for rules
5 of court; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to create a new charter for the Town of Moreland, approved March 28, 1985 (Ga. L.
9 1985, p. 5053), as amended, is amended by revising Section 3.06 and by adding new sections
10 to read as follows:

11 "SECTION 3.06

12 Creation; name.

13 There shall be a court to be known as the Municipal Court of the Town of Moreland.

SECTION 3.06A.

Chief judge; associate judge.

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- 16 (a) The municipal court shall be presided over by a chief judge and such part-time,
17 full-time, or stand-by judges as shall be provided by ordinance.
- 18 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
19 unless such person is 21 years of age or older, is a member of the State Bar of Georgia, and
20 possess all qualifications required by law. All judges shall be appointed by the town
21 council and shall serve a term as provided by general law and until their successor is
22 appointed and qualified.
- 23 (c) Compensation of the judges shall be fixed by resolution of the mayor and council or as
24 contained within the town budget.
- 25 (d) Judges may be removed from office in a manner provided by general law.
- 26 (e) Before assuming office, each individual shall take an oath that he or she will honestly
27 and faithfully discharge the duties of the office to the best of such individual's ability and
28 without fear, favor, or partiality.

SECTION 3.06B.

Convening.

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31 The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 3.06C.

Jurisdiction; powers.

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- 34 (a) The municipal court shall have jurisdiction and authority to try and to punish violations
35 of this charter, all town ordinances, and such other violations as provided by law.

- 36 (b) The municipal court shall have authority to punish those in its presence for contempt;
37 provided, however, that such punishment shall not exceed \$500.00 or ten days in jail.
- 38 (c) The municipal court may fix punishment for offenses within its jurisdiction in
39 accordance with general state law which may include a fine, imprisonment, or alternative
40 sentencing as now, or hereafter, provided by law.
- 41 (d) The municipal court shall have authority to establish bail and recognizances to ensure
42 the presence of those charged with violations before said court, and shall have discretionary
43 authority to accept cash or personal or real property as surety for the appearance of persons
44 charged with violations. When any person gives bail for such person's appearance and fails
45 to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at
46 such time and an execution issued thereon by serving the defendant and the defendant's
47 sureties with a rule nisi, at least two days before a hearing on the rule nisi. When cash or
48 property is accepted in lieu of bond for security for the appearance of a defendant at trial
49 and if such defendant fails to appear at the time and place fixed for trial, the cash so
50 deposited shall be on order of the judge declared forfeited to the town, or the property so
51 deposited shall have a lien against it for the value forfeited. Such lien shall be enforceable
52 in the same manner and to the same extent as a lien for town property taxes.
- 53 (e) The municipal court shall have the same authority as superior courts to compel the
54 production of evidence in the possession of any party; to enforce obedience to its orders,
55 judgments, and sentences; and to administer such oaths as are necessary.
- 56 (f) The municipal court may compel the presence of all parties necessary to a proper
57 disposal of each case by the issuance of summonses, subpoenas, and warrants which may
58 be served as executed by any officer as authorized by this charter or by law.
- 59 (g) Each judge of the municipal court shall be authorized to issue warrants for the arrest
60 of persons charged with offenses against any ordinance of the town and each judge of the
61 municipal court shall have the same authority as a magistrate of this state to issue warrants
62 for offenses against state laws committed within the town.

63 SECTION 3.06D.

64 Appeals.

65 The right of appeal from the decision and judgment of the municipal court shall exist in all
66 criminal cases and ordinance violation cases. Such appeals shall be to the Superior Court
67 of Coweta County as provided by general law.

68 SECTION 3.06E.

69 Rules for court.

70 With the approval of the town council, the judge shall have full power and authority to
71 make reasonable rules and regulations necessary and proper to secure the efficient and
72 successful administration of the municipal court; provided, however, that the town council
73 may adopt in part or in toto the rules and regulations applicable to municipal courts. The
74 rules and regulations made or adopted shall be filed with the town clerk, shall be available
75 for public inspection, and, upon request, a copy shall be furnished to all defendants in
76 municipal court."

77 SECTION 2.

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