

House Bill 124 (AS PASSED HOUSE AND SENATE)

By: Representative Nix of the 69th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to reincorporate the Town of Centralhatchee in the County of Heard and
2 the State of Georgia, approved March 21, 1974 (Ga. L. 1974, p. 2347), as amended, so as to
3 provide for a municipal court; to provide for the judges and staff of such court; to provide
4 for powers, duties, and responsibilities of such judges; to provide for procedures and rules
5 of the 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 reincorporate the Town of Centralhatchee in the County of Heard and the State of
9 Georgia, approved March 21, 1974 (Ga. L. 1974, p. 2347), as amended, is amended by
10 revising Article III of such Act as follows:

11 "ARTICLE III
12 JUDICIAL BRANCH
13 SECTION 3.01.
14 Creation; name.

15 There shall be a court to be known as the Municipal Court of the Town of Centralhatchee.

16 SECTION 3.02.
17 Chief judge; associate judge.

- 18 (a) The municipal court shall be presided over by a chief judge and such part-time or
19 stand-by judges as shall be provided by ordinance.
20 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
21 unless that person shall possess all qualifications required by law. All judges shall be

22 appointed by the mayor and council, and each shall serve until a successor is appointed and
23 qualified.

24 (c) Compensation of a judge shall be fixed by ordinance.

25 (d) Judges may be removed from office in compliance with Code Section 36-32-2.1 of the
26 O.C.G.A.

27 (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or
28 she will honestly and faithfully discharge the duties of the office to the best of his or her
29 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
30 the council journal.

31 SECTION 3.03.

32 Convening.

33 The municipal court shall be convened at regular intervals as set by the chief judge with
34 approval of the mayor and council.

35 SECTION 3.04.

36 Jurisdiction; powers.

37 (a) The municipal court shall have authority to punish those in its presence for contempt,
38 provided that such punishment shall not exceed \$200.00 or ten days in jail.

39 (b) The municipal court may fix punishment for offenses within its jurisdiction not
40 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both.

41 (c) The municipal court shall have authority to establish a schedule of fees to defray the
42 cost of operation and shall be entitled to reimbursement of the cost of meals, transportation,
43 and caretaking of prisoners bound over to superior courts for violations of state law.

44 (d) The municipal court shall have the authority to establish bail and recognizances to
45 ensure the presence of those charged with violations before said court and shall have
46 discretionary authority to accept cash or personal or real property as surety for the
47 appearance of persons charged with violations. Whenever any person shall give bail to
48 ensure such person's appearance and shall fail to appear at the time fixed for trial, the bond
49 shall be forfeited by the judge presiding at such time and an execution issued thereon by
50 serving the defendant and the defendant's sureties with a rule nisi, at least two days before
51 a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for
52 security for the appearance of a defendant at trial and if such defendant fails to appear at
53 the time and placed fixed for trial, the cash so deposited shall be on order of the judge and
54 declared forfeited to the town; or the property so deposited shall have a lien against it for

55 the value forfeited, and such lien shall be enforceable in the same manner and to the same
56 extent as a lien for town property taxes.

57 (e) The municipal court shall have the same authority as the superior court to compel the
58 production of evidence in the possession of any party; to enforce obedience to its orders,
59 judgments, and sentences; and to administer such oaths as are necessary.

60 (f) The municipal court may compel the presence of all parties necessary to a proper
61 disposal of each case by the issuance of summonses, subpoenas, and warrants which may
62 be served and executed by any officer as authorized by this charter or by law.

63 (g) Each judge of the municipal court shall be authorized to issue warrants for the arrest
64 of persons charged with offenses against any ordinance of the town.

65 **SECTION 3.05.**

66 **Certiorari.**

67 The right of certiorari from the decision and judgment of the municipal court shall exist in
68 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
69 the sanction of a judge of the Superior Court of Heard County under the laws of the State
70 of Georgia regulating the granting and issuance of writs of certiorari.

71 **SECTION 3.06.**

72 **Rules for court.**

73 With the approval of the town council, the judge shall have full power and authority to
74 make reasonable rules and regulations as are necessary and proper to secure the efficient
75 and successful administration of the municipal court; provided, however, that the town
76 council may adopt in part or in total the rules and regulations applicable to municipal
77 courts. The rules and regulations made or adopted shall be filed with the town clerk and
78 shall be available for public inspection; and upon request, a copy shall be furnished to all
79 defendants in municipal court proceedings at least 48 hours prior to such proceedings."

80 **SECTION 2.**

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