20 LC 28 9772

House Bill 1203

By: Representatives Gilliard of the 162nd, Bruce of the 61st, Hogan of the 179th, Boddie of the 62nd, Oliver of the 82nd, and others

A BILL TO BE ENTITLED AN ACT

- 1 To amend Article 4 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated,
- 2 relating to arrest by private persons, so as to repeal the article in its entirety; to amend
- 3 Titles 17, 35, and 43 of the Official Code of Georgia Annotated, relating to criminal
- 4 procedure, law enforcement officers and agencies, and professions and businesses,
- 5 respectively, so as to make conforming changes; to provide for related matters; to provide
- 6 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

- 9 Article 4 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to
- arrest by private persons, is repealed in its entirety.

SECTION 2.

- 12 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
- amended by revising paragraph (1) of subsection (c) of Code Section 17-6-1, relating to
- where offenses bailable, procedure, schedule of bails, and appeal bonds, as follows:
- 15 ''(c)(1) In the event a person is detained in a facility other than a municipal jail for an
- offense which is bailable only before a judge of the superior court, as provided in
- subsection (a) of this Code section, and a hearing is held pursuant to Code
- Section 17-4-26 or 17-4-62, the presiding judicial officer shall notify the superior court
- in writing within 48 hours that the arrested person is being held without bail. If the
- detained person has not already petitioned for bail as provided in subsection (d) of this
- 21 Code section, the superior court shall notify the district attorney and shall set a date for
- a hearing on the issue of bail within 30 days after receipt of such notice."

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SECTION 3.

- 24 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
- agencies, is amended by revising subsection (d) of Code Section 35-2-102, relating to weight
- 26 inspector positions, training, powers and responsibilities, and limits on responsibilities, as
- 27 follows:
- 28 "(d) A weight inspector is not a peace officer and shall not be authorized to carry a firearm
- or exercise any power of arrest other than a citizen's arrest in accordance with Code
- 30 Sections 17-4-60 and 17-4-61. At all times while a weight inspector is on duty, there shall
- 31 be a supervisor over the weight inspector also on duty who shall be a certified peace
- 32 officer."
- 33 SECTION 4.
- 34 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
- 35 is amended by revising Code Section 43-38-13, relating to arrest powers of licensees and
- 36 registrants of the Georgia Board of Private Detective and Security Agencies, as follows:
- 37 *"*43-38-13.
- 38 Licensees or registrants under this chapter shall have the same power of arrest as that
- 39 granted to a private person by Code Section 17-4-60 Reserved."
- 40 **SECTION 5.**
- 41 This Act shall become effective on July 1, 2020. This Act does not affect rights and duties
- 42 that matured, penalties that were incurred, and proceedings that were begun before the
- 43 effective date of this Act.
- 44 SECTION 6.
- 45 All laws and parts of laws in conflict with this Act are repealed.